APPENDIX B

ORIGINAL (JUNE 2003) NOTICE OF PREPARATION AND RESPONSES

BERKELEY LAB
One Cyclotron Road
Berkeley, California 94720

Ernest Orlando Lawrence
Berkeley National Laboratory

June 16, 2003

State of California
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Notice of Preparation
Draft Focused, Tiered Environmental Impact Report

Project Title: Construction and Operation of Building 49 and the G-4 Parking Lot

Project Location: Lawrence Berkeley National Laboratory

Lead Agency: University of California

County: Alameda County

The University of California will be the Lead Agency and will prepare a focused, tiered Environmental Impact Report (EIR) for the proposed construction and operation of **Building 49** and the **G-4 Parking Lot** for Lawrence Berkeley National Laboratory (LBNL), located in the cities of Berkeley and Oakland, Alameda County, California. These otherwise separate projects will be reviewed together in the EIR because LBNL would prefer to use material excavated from the proposed Building 49 office building site in the construction of the proposed G-4 parking lot.

A brief summary of the project description follows, along with a description of alternatives to be considered (Attachment A). **LBNL will hold a Public Scoping Meeting for the EIR on June 30, 2003 at the North Berkeley Senior Center (1901 Hearst Avenue, Berkeley, 6:30 pm to 9:00 pm). Details are provided below (Attachment B).** A fully detailed project description and preliminary discussion of environmental issues, along with project graphics, is included in the attached Initial Study (Attachment C).

We request your agency's views as to the scope and content of the environmental information germane to your agency's statutory responsibilities pertinent to the proposed Project. Your agency will need to use the EIR when considering any applicable permit(s) or other approval(s) for the proposed Project.

Your response should be sent not later than 30 days after receipt of this notice to be considered for the EIR scope and analysis. The name of a contact person within your agency should be included with your response.

Please send your response to: Jeff Philliber, Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road, Berkeley, California 94720

If you have any questions about this process, please contact Jeff Philliber, EIR Coordinator for this Project, at the above address or at 510/486-5257.

Signature: JP -for- Date: 6/16/03

Laura Chen, Chief Facilities Planner
Lawrence Berkeley National Laboratory

Attachments: Summary Project Description and Scope of Focused Tiered EIR
Public Scoping Meeting Announcement
Initial Study and Project Maps/Graphics

cc. State Clearinghouse
Alan Waltner, UCOP General Counsel
John E. Zimmermann, Office of the President, Design and Construction
LBNL CEQA Agency and Public Mailing List

Attachment A
Summary Project Description and Scope of Focused Tiered EIR

The Building 49 project site is located on a west-facing hillside, between Cyclotron Road and East Road, on the western side of the LBNL site, within the city limits of Berkeley. The G-4 parking lot project site is located on south and east-facing hillsides, south of Building 70A and east of Cyclotron Road. A detailed discussion of project description, location, and the potential environmental effects is contained in the attached Initial Study.

Building 49

Building 49 would be a six-story, 65,000 sq. ft. office building constructed at LBNL by a third-party developer who would lease the building to the University for LBNL's use. It would provide "decompression" office space for up to 240 staff who already work at LBNL under overcrowded conditions; it would not change the population at LBNL and would cause no new automobile commute trips. No laboratory research or space would be included in this building; accordingly, no hazardous laboratory chemicals or radionuclides would be emitted.

The approximately 1.08-acre project site is currently undeveloped and is located on the hillside east of Cyclotron Road, near LBNL's main entrance, and adjacent to the Building 50 complex. Building 49 construction would take place from approximately Spring 2004 to Fall 2005. The Project would require excavation, construction of new infrastructure, and site re-vegetation. The site has no record of soil contamination or other past activities that might be indicative of contamination. Approximately 26,000 cubic yards of soil would be excavated from the site for construction of the proposed building. The site is primarily vegetated with eucalyptus trees and non-native grassland. No Federally or State listed species of concern are known to exist on the site.

G-4 Parking Lot

The G-4 parking lot would be constructed on fill on slopes south of the building 50 and 70 complexes. It would be range from a minimum of 31,000 square feet and 95 parking stalls up to a maximum of 39,000 square feet and 120 parking stalls. The minimum size would use about 26,000 cubic yards of fill--preferably from the Building 49 project excavation. The maximum parking lot size, which would be built as an optional second phase, would only be constructed if additional soil were to become available in the future. The G-4 parking lot would serve the approximately 1,235 current occupants of the Building 50 and Building 70 complexes, which currently are served by fewer than 250 parking spaces dedicated to those buildings.

Construction of the G-4 parking lot would require the alteration of a small drainage (approximately 0.03 acres) that runs through the project site so that the site may receive fill. In order to do this, it is anticipated that the proposed Project will require a Clean Water Act Section 404 Nationwide permit from the US Army Corps of Engineers, a Clean Water Act section 401 water quality certification from the San Francisco Regional Water Quality Control Board, and a streambed alteration agreement from the

California Department of Fish and Game. In addition, it would require the removal of several trees and other vegetation, including oak trees and some riparian plant species, from the lower elevations of the project site.

Scope of Environmental Impact Report

Environmental issues that will be analyzed in detail in this focused, tiered EIR include: aesthetics; air quality; biological resources; cultural resources; geology, soils, and seismicity; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; public services; transportation and traffic; utilities and service systems; and cumulative impacts. Environmental issues to be focused out of this EIR are: agricultural resources; mineral resources; population and housing; and recreational resources. The EIR will be tiered off of LBNL's 1987 Long Range Development Plan EIR, as amended, and will incorporate all applicable mitigation measures from that EIR, as appropriate.

The following alternatives for both components of the Project—Building 49 and the G-4 parking lot—in addition to the "No Project" alternative, will be considered for analysis in the EIR:

Off-site lease(s): An equivalent amount of off-site space would be leased on the UC Berkeley campus, in the City of Berkeley, or in other nearby cities.

Alternate On-site Location(s): One equivalent-sized or a series of smaller buildings with equivalent total space would be constructed at different locations on-site.

Smaller Building: A smaller or differently designed building would be constructed at the presently proposed Project site. This building could include a smaller profile or footprint to reduce impacts identified in the EIR, as appropriate.

The following alternatives to the proposed G-4 parking lot will be considered in the EIR:

Soil Disposal On-site--Multiple Smaller Sites: Alternate sites would be found at Berkeley Lab to distribute the 26,000 cubic yards of excavated soil.

Soil Disposal On-site—Smaller Lot: A smaller or differently designed parking lot could be constructed at the presently proposed parking lot site. The smaller parking lot could include a reduced area of impermeable surface or a smaller volume of fill to reduce impacts identified in the EIR, as appropriate.

Soil Disposal at Off-site Landfill--University Avenue Route: 26,000 cubic yards of soil would be trucked out in approximately 2,150 round truck trips to a nearby use or area landfill. The trucks would depart through the Blackberry Canyon gate on Cyclotron Road, to Hearst Avenue, to University Avenue, to Interstate 80.

Soil Disposal at Off-site Landfill--Grizzly Peak Route: 26,000 cubic yards of soil would be trucked out in approximately 2,150 round truck trips to a nearby use or area landfill. The trucks would depart through the Grizzly Peak gate, up to Centennial Drive, to Grizzly Peak Blvd., to Fish Ranch Road, to Highway 24, to either Interstate 580 or Interstate 880.

Attachment B
Public Scoping Meeting

LBNL will hold a public scoping meeting open to all interested agencies and members of the public. The meeting is intended to provide information about Berkeley Lab's CEQA process, to present a brief overview of the Project, to identify environmental impact areas to be analyzed in the Draft EIR, and to invite public comment on the scope of the EIR analysis.

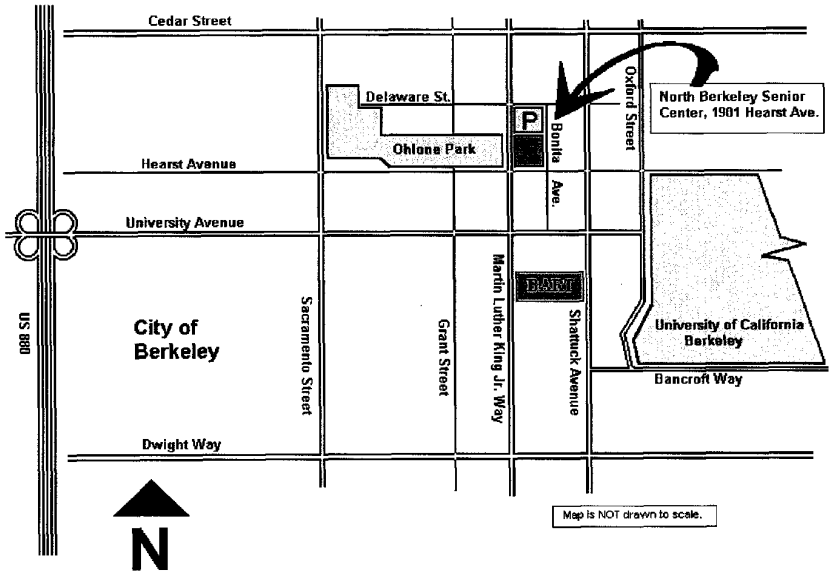
What: Scoping Meeting for LBNL Building 49 and G-4 Parking Lot EIR.

When: Monday, June 30, 2003: 6:30 p.m. to 9:00 p.m.

Where: North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

Transportation and Parking: The North Berkeley Senior Center is wheel chair accessible and within walking distance from the Berkeley BART Station and various AC Transit bus lines. Parking is available at the North Berkeley Senior Center from Bonita Avenue.

MAP TO NORTH BERKELEY SENIOR CENTER



BERKELEY LAB
One Cyclotron Road,
Berkeley, California 94720

Ernest Orlando Lawrence
Berkeley National Laboratory

June 16, 2003

Initial Study

I. PROJECT INFORMATION

Project Title: **Construction and Operation of Building 49 Office Building and G-4 Parking Lot***

Lead Agency: University of California, Lawrence Berkeley National Laboratory

Address: One Cyclotron Road, MS 90K, Berkeley, California 94720

County: Alameda County

Contact Person: Jeff Philliber
Environmental Planning Group
Lawrence Berkeley National Laboratory
One Cyclotron Road, MS 90K
Berkeley, California 94720

Phone Number: (510) 486-5257

*--Referred to herein as "the proposed Project" or "the Project."

II. PROJECT DESCRIPTION

Description of Proposed Project

Building 49

The University of California (UC) proposes to enter into an agreement with a third-party developer ("the Developer") to construct a six-story, 65,000 sq. ft. office building at the Lawrence Berkeley National Laboratory (LBNL, or "Berkeley Lab"). UC would execute a ground lease for the Site with the Developer. The Ground Lease would allow the Developer to finance, design, build, own, and maintain the building. UC would lease all of the space in the Office Building from the Developer for use by LBNL through a Rental Agreement.

LBNL would use the building for office and meeting space. The proposed office building would include no laboratory space, and no laboratory research would be

conducted in the building. The proposed Project would "decompress" existing staff from other areas of Berkeley Lab that are currently overcrowded or that do not meet LBNL workspace standards for office workers (i.e., 135 net square feet of primary office space per person). The proposed Project would not affect the population of the LBNL hill site—no new employees would be added to LBNL's population as a result of this proposed Project.

The approximately 1.08-acre project site is currently undeveloped and is located on the hillside east of Cyclotron Road, near LBNL's main entrance: the Blackberry Gate entrance on Cyclotron Road (see Figures 1 and 2). It is adjacent to the Building 50 complex to the east, Cyclotron Road and the Building 65 complex to the west, the main LBNL shuttle bus stop to the north, and an exterior stairway and undeveloped hillside further to the south. The proposed Building 49 would be occupied by up to approximately 240 current LBNL employees and would include approximately ten on-site service, visitor, and handicapped parking spaces. The proposed office building would be accessible from both Cyclotron Road at the entry floor level on the west side of the building, and from East Road (a.k.a. "Road E") at the sixth floor level on the east side of the building.

Building 49 construction would take place from approximately Spring 2004 to Fall 2005. The Project would require excavation, construction of new infrastructure, and site re-vegetation. The site has no record of soil contamination or other past activities that might be indicative of contamination. Approximately 26,000 cubic yards of soil would be excavated from the site for construction of the proposed building. The site is primarily vegetated with eucalyptus trees and non-native grassland. No Federally or State listed species of concern are known to exist on the site.

Building 49 would be designed to complement the topography of the project site, as well as adjacent buildings and the predominant architectural style of LBNL (see Figures 3, 4, and 5). The Project would also be designed to provide short-range views of the Blackberry Canyon entrance area along Cyclotron Road, and long-range views (from its upper stories) of the University of California, Berkeley campus and adjacent areas, as well as the San Francisco Bay. With the possible exception of the uppermost floor(s), Building 49 would not be viewable from most off-site short, medium, and long-range views. The proposed building's interior would be designed to promote interaction and collaboration between staff.

Building 49 would include a ground lease to the Developer who would own, finance, design, build, and manage the new office building. The University of California would lease the building from the Developer on a year-to-year basis for LBNL use. The University of California has confirmed that any potential for the building to be leased or occupied by any party other than the University of California or the Department of Energy is not reasonably foreseeable, and is therefore not a part of this California Environmental Quality Act (CEQA) review. In the unforeseeable event that the

University or the Department of Energy did not elect to lease the building, a separate CEQA review would be conducted for any alternative occupation of the building, as appropriate.

Soil Disposal or Reuse

The proposed Project would generate up to approximately 26,000 cubic yards of excavated soil that would need to be disposed of away from the Building 49 project site. Several alternatives for soil disposal are under consideration and will be analyzed in the EIR. The Preferred Alternative, which would minimize off-site environmental impacts and simultaneously address existing parking shortages at LBNL, is to use the soil to construct a parking lot at LBNL. This parking lot, referred to herein as the "G-4 parking lot," is identified as part of the proposed Project in the forthcoming analysis and is identified along with alternative soil disposal options, below.

G-4 Parking Lot

The G-4 parking lot would serve the approximately 1,235 current occupants of the Building 50 and Building 70 complexes—the most densely populated area of the Lab. This area of LBNL is historically underserved for parking as the lot capacity of these building complexes is currently about 230 spaces. Staff currently working in the Building 50 and Building 70 complexes who cannot park in the immediate vicinity must seek parking in more remote areas and then walk or ride the LBNL shuttle to their destination buildings.

Under the proposed Project, the G-4 parking lot would be constructed on a largely undeveloped slope south of Building 70A and east of Cyclotron Road, approximately 700 feet southeast of the Building 49 site. The G-4 parking lot would be constructed in two stages. The first stage would use the 26,000 cubic yards of excess soil, expected to be provided from Building 49 excavation, as fill to create a level area on the project site slope. This would provide a surface parking lot (paved area) of 31,000 square feet with 95 parking stalls (see Figure 6). Expected completion of the first stage would be by Fall 2005. The second, optional stage would use additional excess soil of up to approximately 24,000 cubic yards that may be generated from future LBNL projects. This would increase the size of the level area and provide a total surface parking lot (paved area) of 39,000 square feet with a total of 120 parking stalls (see Figure 7). The second stage would be achieved if surplus soils requiring disposal were to become available at LBNL in the future. At this time, there are no specific projects planned or underway that would generate this fill. If a project(s) generating such fill materials is proposed in the future, the appropriate project-level CEQA analysis would be undertaken at that time to review the future project or project(s) proposed to generate that fill. If no sufficient quantity of soil requiring disposal becomes available in the near future, the G-4 parking lot would remain completed at the first stage. In either of the two stages of parking lot development, approximately the same footprint would be disturbed, and each would

require the same approximate improvement and extension of access Road E that runs west and south of Building 70A.

The slopes in the general Project vicinity incline eastward at an average rise of about 2:1 (horizontal to vertical). The site is part of the watershed area for the North Fork of Strawberry Creek. The site is bounded by the Building 70 complex to the north, Building 54 to the east, vegetated slopes to the south, and Cyclotron Road to the west. The upper portion of the site is a grassy plain that contains a few scattered trees (approximately one-dozen oak, pine, and eucalyptus) and is overlain by drainage pipes (hydraugers) that withdraw water from upland areas. The lower portion of the site is heavily vegetated with native and non-native grasses, a variety of trees—including oaks, pine, and eucalyptus—and heavy brush and some riparian vegetation.

There are two drainages on the site, sloping from east to west, that converge into a single drainage at a point at about the midpoint of the project site. The first drainage (Drainage A) originates from a series of hydraugers and drain pipes in the north-central portion of the site. After entering an underground, corrugated metal culvert, Drainage A exits the piping and follows the open topography approximately 150 feet to the west where it continues down the slope as an approximately 250-foot-long intermittent channel, comprising about 0.02 acres. The second drainage (Drainage B) originates upslope of a manhole in the eastern portion of the project site. Drainage B is a narrow channel fed by a drain pipe from an uphill parking lot. It is approximately 300 feet long and converges into Drainage A. The combined drainages appear to collect ephemeral-to-intermittent flows. When they occur, these flows are directed to the bottom of Drainage A, which terminates immediately east of Cyclotron Road into a subsurface storm sewer drainage system, which ultimately directs the flow into the North Fork of Strawberry Creek. While the lower part of the combined drainage (Drainage A) appears to support a small amount of scattered hydrophytic vegetation, the majority of the combined channels is unvegetated.

Construction of the proposed G-4 parking lot would require extending the upslope drainage pipes through the project area and terminating at the inlet to the storm system at Cyclotron Road. Extending these pipes, which currently feed the open drainages on the project site, would allow fill to be placed on the site so as to construct the G-4 parking lot. Wherever feasible, parking lot design would incorporate permeable pavement or similar state-of-the-art design features to minimize the addition of impervious surface to the area. Net flows through these drainages and into the storm sewer system along Cyclotron Road would remain essentially unchanged.

These project site drainages would likely be considered jurisdictional waterbodies subject to the Clean Water Act (CWA); the total area of jurisdictional waterbodies that may be filled by this Project would be approximately 0.02 – 0.03 acres. Consequently, this action is expected to require the following agency approvals: A CWA Section 404 permit from the US Army Corps of Engineers (COE), a CWA Section 401 water quality

certification from the San Francisco Regional Water Quality Control Board (RWQCB), and a streambed alteration agreement from the California Department of Fish and Game (CDFG). The three agencies adhere to a "no net loss" policy, which requires project proponents to avoid and minimize adverse impacts to jurisdictional waterbodies and to provide compensatory mitigation. LBNL would undergo this process concurrent with the CEQA process.

Project Need and Objectives

The proposed Building 49 is intended to help address a substantial shortage of office space at LBNL that results in overcrowded work conditions for many staff. It would advance LBNL towards its target—as recommended by the General Services Administration—of 135 net square feet of primary office space per person. LBNL's current sitewide space allocation is approximately 100 net square feet per person. As a third-party development, Building 49 would eliminate the need for scarce governmental funding otherwise necessary to construct such a building on site. It would provide a building that is in close proximity to where it would be most useful (i.e., near the Lab's front entrance and near the Building 50 and Building 70 complexes), and it would be an opportunity to create a signature building that serves as a focal point to LBNL from the main gate at Blackberry Canyon. As opposed to using additional leased space off site, it would minimize inefficiencies of staff being separated from the main Berkeley Laboratory; it would the time and expense of frequent travel between off-site leased space and the main site in the everyday conduct of LBNL business.

The proposed G-4 parking lot is intended to reuse the soil that would be generated by the proposed Building 49 in a way that is productive, cost-effective, and minimizes environmental impacts to LBNL's neighbors and the surrounding community. It would help address a shortage of available parking spaces at LBNL, particularly in the vicinity of the Building 50 and Building 70 complexes. It would minimize the distance that excavated soil would be transported and avoid approximately 4,300 one-way truck trips through Berkeley city streets. It would prevent the unnecessary filling of nearby landfills with clean, useable soil. By directing Building 49 soils to one fill site, it would reduce the cost and associated environmental impacts of seeking multiple areas on-site to fill. It could potentially provide additional soil reuse capacity of up to approximately 24,000 cubic yards for any future projects at LBNL that might otherwise require off-site transport and disposal of soils.

General Setting and Background

The main LBNL site straddles the border between the cities of Berkeley and Oakland in Alameda County adjacent to and east of the UC Berkeley campus. Berkeley Lab is situated in the ridges and draws of Blackberry and Strawberry Canyons in the East Bay Hills. The area to the west includes the UC Berkeley campus, and UC Berkeley student and general residential neighborhoods; to the north are single-family residential neighborhoods, the Lawrence Hall of Science, and other rurally set recreational and

cultural facilities and parking uses; to the east and southeast are University-owned rural lands including designated a ecological study area and botanical garden; to the south and southwest are the University, recreational facilities, and single-family residential neighborhoods.

A portion of the main LBNL site, including the upper east canyon area, was included in the US Fish and Wildlife Service's designation of critical habitat for the Federally threatened Alameda whipsnake. This designation included major portions of Alameda and Contra Costa counties; LBNL lies on the periphery of this designation area. The designation was made in the year 2000 and was vacated by the U.S. District Court in 2003. Neither the Building 49 site nor the G-4 parking lot site lies within this formerly designated area

Lawrence Berkeley National Laboratory is a multi-program energy research laboratory operated and managed by the University of California (UC) under a contract with the U.S. Department of Energy (DOE). LBNL has operated at its present site since 1940. Its principal role for DOE is to conduct research on the broad range of fundamental sciences, energy, and environmental resources. Classified research is not conducted at LBNL.

LBNL is located on approximately 200 acres that are owned by the University of California and most of which are leased to the U.S. Department of Energy (DOE). DOE owns the facilities and structures that comprise LBNL, and it contracts out the management and operation of the National Laboratory to the University of California.

Consistency with the LRDP

LBNL's current LRDP and LRDP EIR were approved in 1987. The EIR was later supplemented in 1992 and an addendum was prepared in 1997 (referred to hereafter as the "1987 LRDP EIR, as amended"). In the forthcoming Project EIR, the proposed Project will be analyzed for consistency with the current LRDP and 1987 LRDP EIR, as amended.

The proposed Project would be within the space and population levels anticipated in the current 1987 LBNL Long Range Development Plan (LRDP) and analyzed in the 1987 LRDP EIR, as amended. The proposed Building 49 would not present a land use conflict. Its site is underlain with utilities and it is adjacent to the existing Building 50 complex; it is buffered from the surrounding off-site view points and land uses by terrain, vegetation, and surrounding buildings. The parking lot would be constructed in an area identified as the West Strawberry Canyon Buffer-Zone Landscape Area in the 1987 LRDP. In addition, a portion of the parking lot site is on land formerly managed for the University by UC Berkeley—this site portion will be analyzed for consistency with the existing UC Berkeley LRDP because it is not specifically designated in LBNL's current 1987 LRDP. While the proposed parking lot would reduce the forested and riparian vegetation in a portion of this overall buffer area, it would continue to preserve views, consistent with the buffer zone, by avoiding construction of tall or obstructing structures.

The proposed Project would implement all applicable 1987 LRDP EIR, as amended, mitigation measures.

LBNL is undergoing a multi-year process to prepare a new LRDP and LRDP EIR. When adopted by The Regents of the University of California, these documents would guide future development at LBNL for approximately 20 years. It is expected that draft versions of these documents may be available for public review in late 2003 or early 2004. Although the current LRDP and 1987 LRDP EIR, as amended, are the applicable guiding documents for this proposed Project, it is anticipated that the proposed Project would be in completely consistent with the new LRDP and LRDP EIR.

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
■ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Hazards & Hazardous Materials	■ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/Service Systems	■ Mandatory Findings of Significance	

IV. DETERMINATION: (To be completed by the Lead Agency)

On the basis of the initial evaluation that follows:

_____ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

_____ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

■ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

_____ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. A TIERED ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

_____ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental document is required. FINDINGS consistent with this determination will be prepared.

Signature _____ Date 6/16/03

JEFF PHILLIBER — LAURA CHEN

Printed Name — For

V. EVALUATION OF ENVIRONMENTAL FACTORS

Initial Study Checklist

	Will be analyzed in EIR	No additional analysis needed
1. AESTHETICS – Would the Project:		
a) Have a substantial adverse effect on a scenic vista?	■	☐
Although the upper portion of Building 49 might be intermittently visible from some off-site locations, neither site (Building 49 nor G-4 parking lot) is expected to be visible from off-site scenic vistas.		
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	■	☐
Neither site is readily visible from a State scenic highway.		
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	■	☐
Both Building 49 and G-4 parking lot construction would remove trees and change the visual character of the immediate sites; however, both sites are adjacent to heavily developed areas.		
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	■	☐
Both Building 49 and the G-4 parking lot would introduce new sources of light and glare to their immediate sites; however, new construction would conform to design guidelines and visual quality mitigation measures identified in the 1987 LRDP EIR, as amended, and both would be adjacent to existing light and glare sources. Neither is expected to be noticeable to off-site viewpoints.		
e) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐
With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, , as well as project-specific mitigation measures if required, the Laboratory expects that no applicable standard of significance would be exceeded.		

	Will be analyzed in EIR	No additional analysis needed

Although the upper portion of Building 49 might be intermittently visible from some off-site locations, neither site would have a substantial adverse effect on a scenic vista or from a scenic road. The Building 49 roofline would be adjacent to and well below the building mass of the Building 50 complex to the east. In conformance with mitigation measures set out in the Laboratory's LRDP EIR, as amended, the building design and the construction materials used would reduce potential impacts of light and glare, and the building site would be landscaped. The G-4 parking lot site slopes would be revegetated and contoured to restore a natural appearance. Although several trees would be removed from the area downhill of the proposed parking lot, key screening trees would remain in that area of the Lab in addition to proposed revegetation.

2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the Project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ☐ ■

The LBNL site contains no agriculturally-used lands, nor any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ☐ ■

See above. The project sites are not zoned for agricultural use, and no Williamson Act contracts would be affected.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? ☐ ■

See above. The Project would not involve any changes in the environment that could result in the conversion of farmland to nonagricultural use.

d) Exceed an applicable LRDP or Program EIR standard of significance? ☐ ■

No applicable standard of significance would be exceeded.

	Will be analyzed in EIR	No additional analysis needed
There are no agricultural resources at the LBNL site. The proposed Project would not result in the conversion of agricultural resources to non-agricultural use, conflict with existing zoning, or otherwise result in a significant environmental effect to designated agricultural resources. No impact would occur and no further analysis is required. Agricultural resources will be focused out from analysis in the EIR.		

3. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:

a) Conflict with or obstruct implementation of the applicable air quality plan? ■ ☐

The Bay Area Air Quality Management District (BAAQMD) air basin is designated as a State non-attainment area for PM_{10} (particulate matter with a nominal diameter of 10 microns or less), and as a Federal and State non-attainment area for ozone precursors. Construction of both elements of the proposed Project would produce temporary emissions of these pollutants, although in quantities expected to be well below their applicable BAAQMD's CEQA Guidelines thresholds of significance. Such increases would be very minor on a regional level. The Laboratory would use standard emission control and reduction measures, including measures to suppress dust during construction.

Operation of Building 49 would not require an emergency generator (as it would rely on the existing permitted generator used by the Building 50 complex), but would likely used gas-powered boilers for water heating. All necessary permits would be obtained through the BAAQMD, as appropriate.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ■ ☐

See above. Estimated emissions from the Project are expected to be below BAAQMD CEQA Guidelines thresholds for all criteria pollutants. No laboratory research would take place in the building, and thus there would be no laboratory emissions of toxic air contaminants or radionuclides.

Although the BAAQMD air basin is designated as a non-attainment area for the State ozone and PM_{10} standards, and a non-attainment area for the Federal ozone standard, any increased contribution to those pollutant emissions resulting from the proposed Project likely would be very minor on a regional level. Local PM_{10} emissions due to construction would be controlled using applicable BAAQMD control measures, and likely would be less than significant based on that agency's criteria. No significant contribution to an air quality standard violation would be expected.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ■ ☐

	Will be analyzed in EIR	No additional analysis needed
The BAAQMD air basin is designated as a non-attainment area for the State ozone and PM_{10} standards, and a non-attainment area for the Federal ozone standard, so any increased contribution of these emissions to the region would constitute an adverse cumulative impact. However, LBNL's expected increases in PM_{10} and ozone precursor emissions as a result of the proposed Project would be relatively minor and would not likely pose a "cumulatively considerable net increase."		
d) Expose sensitive receptors to substantial pollutant concentrations?	■	☐
It is expected that no substantial pollutant concentrations would be created by the Project that would affect any known nearby sensitive receptors.		
e) Create objectionable odors affecting a substantial number of people?	■	☐
Ongoing activities from the proposed Project are not expected to create nuisance or objectionable odors affecting substantial numbers of people, particularly people off-site. Actions that might create objectionable odors include asphalt-laying during construction activities. Such odors would be temporary and likely noticeable to a small number of off-site people, and then only under limited meteorological conditions.		
f) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐
With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, as well as project-specific mitigation measures if required, the Laboratory expects that no applicable air quality standard of significance would be exceeded.		

Temporary construction-related air impacts would occur at both construction sites and would result from construction vehicle exhaust and dust from earth movement. Operational impacts from Building 49 would be negligible, as the proposed Project would not generate any new automobile commute trips. Minor emissions from Building 49 gas-powered boilers and other building systems may occur. Operational impacts from Parking Lot G-4 would be minimal, as the lot would be intended to serve existing LBNL drivers. Marginal reductions in air impacts could occur from Building 50 Complex and Building 70 Complex drivers being able to find parking more easily without having to drive around the LBNL site looking for available parking.

4. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	■	☐

	Will be analyzed in EIR	No additional analysis needed

Critical Habitat for the Federally threatened Alameda whipsnake was designated by the US Fish and Wildlife Service (USFWS) in 2000. This designated habitat area included thousands of acres in Alameda and Contra Costa counties, and included an area nearby to the proposed Project sites (although this habitat designation was successfully challenged in a recent court case, LBNL will proceed with the analysis as if it were in place). It is not expected that this Project would impact the Federally threatened Alameda whipsnake: neither site is located in the US Fish and Wildlife Service-designated critical habitat area[1], neither site contains the characteristic features of classic whipsnake habitat, and there have never been reported sitings of this species anywhere within LBNL boundaries. Nevertheless, for the purposes of the forthcoming analysis, it will be assumed that either site could be used as a dispersal corridor for the Alameda whipsnake from habitat areas in the region and that the occasional presence of the species on either site is possible.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? ■ ☐

The proposed G-4 parking lot would fill an area that includes some riparian vegetation. A small, artificial pool (less than 0.01 acres) that is fed by drain pipes and hydraugers exists as the origin point of Drainage A. LBNL will consult with and apply for permits with the Army Corps of Engineers, the San Francisco Regional Water Quality Control Board, and the California Department of Fish and Game regarding these resources, as appropriate. Although it is expected that impacts identified through the analysis can be mitigated through the permitting process with these agencies, this will be considered a potentially significant impact until such conclusions can be fully analyzed and confirmed.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ■ ☐

See above. While both Drainage A and Drainage B are generally devoid of vegetation, some scattered hydrophytic vegetation exists at the lower portion of Drainage A. The G-4 parking lot site would fill in this vegetation. The total area of jurisdictional waterbodies that would be filled by this Project is estimated to be approximately 0.02 – 0.03 acres. This action would be subject to Federal and State permitting. Due to the small size of the area affected and the lack of any known threatened or endangered species there, the Laboratory believes that this would not create a substantial adverse effect on wetlands. Although it is expected that impacts identified through the analysis can be mitigated through the permitting process with these agencies, this will be considered a potentially significant impact until such conclusions can be fully analyzed and confirmed.

[1] On May 9, 2003, the U.S. District Court for the Eastern District of California vacated the Fish and Wildlife's Service's Final Rule designating critical habitat for the Alameda Whipsnake. Nevertheless, for the purposes of this analysis, LBNL conservatively recognizes the boundaries of the former critical habitat area in its consideration of possible impacts to biological resources.

	Will be analyzed in EIR	No additional analysis needed
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	■	☐
The sites do not serve as a known migratory corridor or nursery site to any native resident or migratory species. This issue will be further examined in the EIR analysis.		
e) Conflict with any local applicable policies protecting biological resources?	■	☐
Berkeley Lab is not aware of any local applicable policies pertaining to biological resources on the project sites, or the LBNL site.		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other applicable habitat conservation plan?	■	☐
No such plans have been adopted for LBNL site lands.		
g) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐
With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, as well as project-specific mitigation measures that may be identified through the EIR analysis, by appropriate resource agencies, or through the permitting process, no applicable standard of significance is expected to be exceeded by the proposed Project. would be exceeded. Nevertheless, this will be considered a potentially significant impact until such conclusions can be fully analyzed and confirmed.		

The proposed G-4 parking lot would fill an area with possible jurisdictional drainages and that includes some riparian vegetation. A small, artificial pool (less than 0.01 acres) that is fed by drain pipes and hydraugers exists as the origin point of Drainage A. While both Drainage A and Drainage B are generally devoid of vegetation, some scattered hydrophytic vegetation exists at the lower portion of Drainage A. LBNL will consult with and apply for permits with the Army Corps of Engineers, the San Francisco Regional Water Quality Control Board, and the California Department of Fish and Game regarding these resources, as appropriate. Although it is expected that impacts identified through the analysis can be mitigated through the permitting process with these agencies, this will be considered a potentially significant impact until such conclusions can be fully analyzed and confirmed.

Critical Habitat for the Federally threatened Alameda whipsnake was designated by the US Fish and Wildlife Service (USFWS) in 2000. This designated habitat area included thousands of acres in Alameda and Contra Costa counties, and included an area nearby to the proposed Project sites (although this habitat designation was successfully challenged in a recent court case, LBNL will proceed with the analysis as if it were in place). It is not expected that this Project would impact the Federally threatened Alameda whipsnake. Nevertheless, for the purposes of the forthcoming analysis, it will be assumed that either site could be used as a dispersal corridor for the Alameda whipsnake from habitat areas in the region and that the occasional presence of the species on either site is possible.

	Will be analyzed in EIR	No additional analysis needed
5. CULTURAL RESOURCES -- Would the Project:		
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	■	☐
No known or suspected historical resources exist at the proposed Project locations.		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	■	☐
No known or suspected archaeological resources exist at the proposed Project locations.		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	■	☐
No known or suspected paleontological resources or unique geologic features exist at the proposed Project locations.		
d) Disturb any human remains, including those interred outside of formal cemeteries?	■	☐
No known or suspected human remains exist at the proposed Project locations.		
e) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐
With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, as well as project-specific mitigation measures if required, the Laboratory expects that no applicable standard of significance would be exceeded.		

There are no known or expected archaeological or historical sites in either of the two project excavation and construction areas. As part of previous investigations, surface examinations for cultural resources were made of undeveloped lands at Berkeley Lab, although some of the area that would be used for the G-4 parking lot is covered with heavy brush and has not been closely examined. If an unexpected encounter with a subsurface cultural resource such as an archaeological midden were to occur, LBNL would enact appropriate mitigation as part of the proposed Project.

6. GEOLOGY AND SOILS -- Would the Project:		
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:		
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	■	☐

	Will be analyzed in EIR	No additional analysis needed
Both Building 49 and the G-4 parking lot would be constructed on sloped sites within the Alquist Priolo zone, an area extending 150 meters (about 500 feet) on both sides of major active faults, in this case, the Hayward Fault. To the extent that personnel would relocate to these areas from areas more distant from the fault, it is possible that their exposure to seismic risks would marginally increase. The Project would meet applicable requirements for structures erected in this zone, and the structures would be designed in conformance with the University's seismic safety standards and other applicable Laboratory standards, which exceed California Building Code requirements. Engineering and safety analyses of LBNL structures indicate that, in a large seismic event, on-site buildings may be expected to experience structural and non-structural damage but to retain sufficient structural integrity such that personnel could evacuate.		
ii) Strong seismic ground shaking?	■	☐
See above.		
iii) Seismic-related ground failure, including liquefaction?	■	☐
See above.		
iv) Landslides?	■	☐
The proposed Project sites are located on steep slopes. To the extent that personnel would relocate to these areas from areas located on more level ground, it is possible that their exposure to landslide-related risks would marginally increase, especially during seismic events. See response to 6(a)(i), above. This would not be expected to be significant.		
b) Result in substantial soil erosion or the loss of topsoil?	■	☐
As it would be designed and constructed in accordance with management practices to minimize erosion, the Project would not result in substantial soil erosion. Topsoil within the footprint of the Project would be developed, or covered with engineered fill and paved or reseeded.		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	■	☐
See (a)(i) and (a)(iv), above.		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	■	☐
Building 49 would be constructed on a geotechnically engineered foundation and footing system, and the proposed G-4 parking lot would be located on engineered fill. The Projects would not be located on expansive soils.		

	Will be analyzed in EIR	No additional analysis needed
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	■
Like the rest of the LBNL site, Building 49 would rely on the East Bay Municipal Utility District sanitary sewer system for wastewater disposal.		
f) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐
With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, as well as project-specific mitigation measures if required, the Laboratory expects that no applicable standard of significance would be exceeded.		

Both the Building 49 and the G-4 parking lot would be constructed on sloped sites within the Alquist Priolo zone, an area extending 150 meters (about 500 feet) on both sides of major active faults, in this case, recognized to be nearby to the Hayward Fault. Both project components would be designed to the University's strict standards for earthquake safety, which exceed the building code requirements.

A Fault Rupture Hazard Investigation was prepared for the Building 49 Project in August 2002. Three trenches were dug across the site in order to study subsurface conditions for the purpose of determination if any fault-related features were present. The Investigation concluded that there are no fault-related features found to underlie the project site and that no fault-related features would impact the proposed Project. In addition, a preliminary geotechnical feasibility study has been prepared for the proposed G-4 parking lot. This study includes design guidance and finds that the proposed parking lot could be feasibly constructed in its currently proposed location.

7. HAZARDS AND HAZARDOUS MATERIALS – Would the Project:		
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	■
Building 49 would be used as office and meeting space only; no laboratory research or storage, handling, or use of laboratory chemicals would take place within the building. The building would include no laboratories or fume hoods. Construction of parking lot G-4 would not increase the day-to-day use of hazardous materials at the Laboratory.		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	■
See above. Also, there is no history of hazardous materials processing, storage, or disposal on either the Building 49 or the G-4 parking lot project site.		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	■	☐

	Will be analyzed in EIR	No additional analysis needed
No acutely hazardous materials, substances, or waste would be handled at the project locations. Emissions associated with the Project would be minimal and would involve construction vehicle emissions, and building maintenance system emissions such as those from boilers. (An emergency generator would not be included in this Project as building 49 would be connected to the existing emergency generator system for the Building 50 Complex.)		
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	■	☐
The project sites are not located on any list of hazardous materials sites.		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the project area?	☐	■
The project is not located within two miles of an airport.		
f) For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the project area?	☐	■
The project is not located within two miles of a private airstrip.		
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	■	☐
The project would not impair or interfere with the Laboratory's emergency response and evacuation planning. Both new facilities would be incorporated into LBNL's existing emergency response and evacuation plans.		
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	■	☐
The project sites are on sloped terrain and adjacent to both built-up areas and wildlands. The Laboratory as a whole is subject to dry, warm conditions and occasional high winds during the fire season. Fire hazards would be minimal as the building would meet all required safety standards and fire code, and the building would be surrounded up and downslope by roadways. LBNL has considerable on-site fire suppression capabilities and its own fire department, maintains mutual assistance arrangements with neighboring fire districts, and has implemented a fuel reduction/vegetation management program that has greatly reduced the risk of wildland fire in the vicinity of the Lab.		
i) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐

	Will be analyzed in EIR	No additional analysis needed
With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, as well as project-specific mitigation measures if required, the Laboratory expects that no applicable standard of significance would be exceeded.		

Building 49 would be used as office and meeting space only; no laboratory research or storage, handling, or use of laboratory chemicals would take place within the building. The building would include no laboratories or fume hoods. Emissions associated with the Project would be minimal and would involve construction vehicle emissions, and building maintenance system emissions such as those from boilers. An emergency generator would not be included in this Project as building 49 would be connected to the existing emergency generator system for the Building 50 Complex.

Fire hazard would be minimal as the building would meet all required safety standards and fire code, and the building would be surrounded up and downslope by roadways.

8. HYDROLOGY AND WATER QUALITY -- Would the Project:

a) Violate any water quality standards or waste discharge requirements?	■	☐
The project would not be expected to violate any water quality standards or waste discharge requirements; it is not expected to affect LBNL's existing wastewater discharge permit, although these issues will be examined in the EIR and with the appropriate resource agencies, as needed.		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	■	☐
Groundwater is not a major water source in the area. LBNL does not use on-site groundwater, there are no groundwater production wells on-site or nearby that support existing or planned land uses.		
The proposed G-4 parking lot would add between 31,000 and 39,000 square feet of partially pervious to impervious surface to the project site, and the proposed Building 49 would add an additional approximately 47,000 square feet of new impervious surface area.		
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	■	☐

Lawrence Berkeley National Laboratory

Initial Study Checklist
Building 49 and G-4 Parking Lot

	Will be analyzed in EIR	No additional analysis needed
While the proposed Project would result in the alteration of existing drainage patterns on the G-4 parking lot site, this would not result in substantial erosion or siltation either on or off the site. Most of the flows through the project site originate from enclosed pipes and culverts; these lead to another piped storm drain system beginning at Cyclotron Road. By replacing the stretch of open drainages on the project site with additional enclosed drainage, and by allowing the normal runoff of stormwaters not collected in the aforementioned drain system to the main collection point at Cyclotron Road, the proposed Project would not be expected to significantly alter the amount of flow entering into the downstream storm drain system. Although this is not expected to be significant, this issue will be further examined and a determination made in the EIR and in the coordination with the appropriate permitting agencies, as needed.		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	■	☐
See above. Drainage off-site would be facilitated by an engineered collection and drainage system. While the increase in impervious surface for both Building 49 and the G-4 parking lot may increase the amount and speed of stormwater through the local storm drain system and ultimately into the North Fork of Strawberry Creek, these changes would be marginal and should not be expected to cause flooding.		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	■	☐
See above. The G-4 parking lot would include appropriate mitigation (e.g., oil/water separaters, etc.) to address potential water quality impacts, as appropriate.		
f) Otherwise substantially degrade water quality?	■	☐
See above. It is not expected that water quality would be substantially degraded by the proposed Project.		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	■	☐
The project does not involve any placement of housing and does not include any known flood areas.		
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	■	☐
See above. The project would not place structures within a 100-year flood hazard area.		
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	■	☐

	Will be analyzed in EIR	No additional analysis needed
See above. The project would not expose persons or structures to a significant risk of loss due to flooding. There are no upslope dams or levees in the project vicinity.		
j) Inundation by seiche, tsunami, or mudflow?	■	☐
The project would not be in an area subject to these hazards.		
k) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐
With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, as well as project-specific mitigation measures if required, the Laboratory expects that no applicable standard of significance would be exceeded.		

Construction of the G-4 parking lot would require the extension of drainage pipes through the project site so that the site may be filled with 26,000 cubic yards—and up to 50,000 cubic yards—of soil excavated from the Building 49 site. Filling this site would cover two existing drainages that may constitute up to 0.03 acres of jurisdictional waters. In addition, the proposed G-4 parking lot would add between 31,000 and 39,000 square feet of impervious surface to the project site, and the proposed Building 49 would add an additional approximately 47,000 square feet of new impervious surface area. Although it is expected that impacts identified through the analysis can be mitigated through the permitting process with the appropriate regulatory agencies, this will be considered a potentially significant impact until such conclusions can be fully analyzed and confirmed. Although it is generally unfeasible to use semi-pervious surface for parking on a steep fill such as proposed for the G-4 parking lot due to soil stability issues, LBNL will investigate the possibility of using such measures as part of the proposed Project.

9. LAND USE AND PLANNING - Would the Project:		
a) Physically divide an established community?	■	☐
The proposed Project would not divided an established community.		
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the LRDP, general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	■	☐
The principal applicable land use planning document for Laboratory projects is Berkeley Lab's 1987 Long Range Development Plan. The proposed Project would be consistent with the population and space projections identified in the 1987 LRDP and analyzed in the 1987 LRDP EIR, as amended.		
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	■	☐
The project is not expected to conflict with any applicable conservation plan.		
d) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐

	Will be analyzed in EIR	No additional analysis needed

With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, as well as project-specific mitigation measures if required, the Laboratory expects that no applicable standard of significance would be exceeded.

The proposed Project would be consistent with the population and space projections identified in the 1987 LRDP and analyzed in the 1987 LRDP EIR, as amended. Building 49 would be adjacent to a large-scale complex of similar buildings. The G-4 parking lot would be adjacent to Building 70A and would not obstruct views either on or off-site. However, construction of the G-4 parking lot would require the removal of trees from the site, some of which may have screening value. In addition, parking lot construction would reduce the forested and riparian vegetation in the zone.

10. MINERAL RESOURCES -- Would the Project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	■
No mineral resources have been identified in the vicinity of the proposed locations for Building 49 and the G-4 parking lot.		
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	■
The proposed Project would not result in the loss of availability of a locally-important mineral resource recovery site.		
c) Exceed an applicable LRDP or Program EIR standard of significance?	☐	■
No applicable standard of significance would be exceeded.		

No mineral resources have been identified in the vicinity of the proposed locations for Building 49 and the G-4 parking lot, and the proposed Project would not result in the loss of availability of such resources . No impact would occur and no further analysis is required. Mineral resources would not be affected by the proposed Project and would be focused out of the EIR analysis.

11. NOISE – Would the Project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies?	■	☐
Noise meter testing simulating project activities will be conducted to determine whether applicable noise ordinances would be exceeded due to project construction or operational activities at either site.		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	■	☐

	Will be analyzed in EIR	No additional analysis needed
Based on the activities that would take place and the distance of the site from offsite receptors, the project is not expected to create excessive groundborne vibration or noise. No blasting or pile driving would be part of this Project.		
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project?	■	☐
The Project would not create a substantial permanent or periodic increase in ambient noise levels. Ambient noise in the area of the Building 49 construction site is high throughout the work day, due to the relatively heavy traffic of automobiles, motorcycles, and trucks over Cyclotron Road and the frequent (every five minutes or so) operation of LBNL's shuttles at its main shuttle stop adjacent to Building 65. Project operational noise would be minimal and generally not noticeable compared to ambient surrounding noises. It, along with automobiles using the G-4 parking lot, would tend to consist of Building 49 HVAC and building noise.		
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the Project?	■	☐
See above. Temporary noise would increase due to Project related excavation and construction activities, although these might not be substantial to off-site receptors given the ambient noise in the area. These will be modeled for the EIR using noise meter testing.		
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	■	☐
The project is not within an airport use plan or within two miles of a public airport.		
f) For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the project area to excessive noise levels?	■	☐
The project is not within the vicinity of a private airstrip.		
g) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐
With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, as well as project-specific mitigation measures if required, the Laboratory expects that no applicable standard of significance would be exceeded.		

	Will be analyzed in EIR	No additional analysis needed

Ambient noise in the area of the Building 49 construction site is relatively high throughout the work day, due to the relatively heavy traffic of automobiles, motorcycles, and trucks over Cyclotron Road and the frequent (every five minutes or so) presence of LBNL's shuttles at its main shuttle stop adjacent to Building 65. Project operational noise would be minimal and generally not noticeable compared to ambient surrounding noises. It would tend to consist of Building 49 HVAC and building noise, along with automobiles using the G-4 parking lot.

Project construction would take place in the southwestern portion of LBNL. The Building 49 project site is approximately 650 feet from the nearest UC Berkeley student dormitories and private housing, while the G-4 parking lot is 750 feet from the nearest dormitories and approximately 1,000 feet from the nearest private residences. In both cases, intervening terrain, trees, and buildings would likely dampen noise energy before it were to reach many of these receptors.

Noise meter testing simulating project activities will be conducted to determine whether applicable noise ordinances would be exceeded due to Project construction or operational activities at either site.

12. POPULATION AND HOUSING -- Would the Project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ☐ ■

The proposed Project would not create new housing. It would decompress space for existing staff positions and would not result in an increase in staff at LBNL, and thus would not create a demand for new housing. The project's extension of on-site roads and infrastructure would not induce population growth because these would exclusively serve staff and visitors to the Laboratory.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ☐ ■

The project would not displace any existing housing.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ☐ ■

The project would not displace any residential housing or persons from the area.

d) Exceed an applicable LRDP or Program EIR standard of significance? ☐ ■

No applicable standard of significance would be exceeded.

The proposed Project would not induce population growth, displace housing, or displace people. No impact would occur and no further analysis is required. Population and housing issues would not be affected by the proposed Project and would be focused out of the EIR analysis.

	Will be analyzed in EIR	No additional analysis needed
13. PUBLIC SERVICES		
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:		
Fire protection?	■	☐
As with any new office building, fire protection services would be required for the proposed Building 49. However, the building would be designed in conformance with Fire Code standards, and would not present any unusual fire hazards. No increase in fire protection staffing would be expected.		
Police protection?	■	☐
As with any new office building, police protection services would be required for Building 49. There are no reasonably foreseeable crime or other public safety issues associated with the project, and no increase in police protection staffing would be required.		
Schools?	☐	■
No increase in staff would result from the project, and there would be no impacts upon schools.		
Parks?	☐	■
No increase in staff would result from the project, and there would be no impacts upon parks.		
Other public facilities?	☐	■
No increase in staff would result from the project, and there would be no expected impacts upon other public facilities.		
b) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐
With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, as well as project-specific mitigation measures if required, the Laboratory expects that no applicable standard of significance would be exceeded.		

	Will be analyzed in EIR	No additional analysis needed

The proposed Project would cause a marginal increase in demand for some public services: a new building would present a new location for which police and fire protection would have to be provided. However, the proposed Building 49 would be built to the latest fire, earthquake, and safety codes, and would be located in close proximity to site security services. For the most part, because the proposed Project would not increase the population at LBNL, demand for public services would essentially remain the same, particularly for population-driven demands such as schools, parks, recreational facilities, and other public services.

14. RECREATION --

a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ☐ ■

The proposed Project would not result in an increase in the number of staff at LBNL, or otherwise create an effect that could increase the use of existing parks and other recreational facilities.

b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ☐ ■

The project does not include recreational facilities nor require the construction or expansion of such facilities.

c) Exceed an applicable LRDP or Program EIR standard of significance? ☐ ■

No applicable standard of significance would be exceeded.

	Will be analyzed in EIR	No additional analysis needed
The project would not affect recreational resources. No impact would occur and no further analysis is required. Recreational resources would not be affected by the proposed Project and would be focused out of the EIR analysis		

15. TRANSPORTATION/TRAFFIC -- Would the Project:

	Will be analyzed in EIR	No additional analysis needed
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	■	☐
Because the proposed Project would not increase population at LBNL, no substantial increase in traffic would result, and traffic and traffic patterns should remain generally unchanged by the Project. Because both Building 49 and the G-4 parking lot would be near the main Blackberry Gate entrance to LBNL, it is possible that the proposed Project could cause a small redistribution of commute traffic from its rear gates (Grizzly Peak and Strawberry gates) to the Blackberry gate entrance. Currently, a little over half of daily automobile trips to LBNL use the Blackberry gate entrance, the remainder are divided fairly evenly between the Grizzly Peak and Strawberry Gates. This redistribution, if it does occur, would not result in a significant impact upon local roadways.		
A temporary increase in construction-related traffic would occur between Spring 2004 and Fall 2005; these increases would not be substantial. By electing to reuse Building 49 excavated soil on-site rather than to ship soil off-site for disposal, the proposed G-4 parking lot Project would prevent an estimated 4,300 one-way truck trips through Berkeley City streets.		
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	■	☐
See above. Cumulative impacts will be analyzed in the Environmental Impact Report.		
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	■	☐
No effect on air traffic patterns would occur.		
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	■	☐
No hazards due to a design feature or incompatible uses would increase.		
e) Result in inadequate emergency access?	■	☐
Emergency access/egress would be adequately handled by existing roadways and by the short road extension planned as part of the G-4 parking lot.		

	Will be analyzed in EIR	No additional analysis needed
f) Result in inadequate parking capacity?	■	☐

By providing up to 120 additional parking spaces near the currently underserved Building 50 and Building 70 complexes, the project would improve the Lab's parking capacity in the area. In addition, the proposed Project could improve traffic and parking patterns and decrease the amount of time drivers spend searching for parking within the LBNL site.

g) Conflict with applicable policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	■	☐

No conflict with applicable alternative transportation policies, plans, and programs would occur. The increased parking capacity that would be provided in the vicinity of the Building 50 and Building 70 complexes would be consistent with the Laboratory's parking ratio planning goals.

h) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐

With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, as well as project-specific mitigation measures if required, the Laboratory expects that no applicable standard of significance would be exceeded.

Because the proposed Project would not increase population at LBNL, traffic and traffic patterns should remain generally unchanged by the Project. By providing up to 120 additional parking spaces near the currently underserved Building 50 and Building 70 complexes, the proposed Project could improve traffic and parking patterns and decrease the amount of time drivers spend searching for parking within the LBNL site.

A temporary increase in construction-related traffic would occur between Spring 2004 and Fall 2005; these increases would not be substantial. By electing to reuse Building 49 excavated soil on-site rather than to ship soil off-site for disposal, the proposed G-4 parking lot Project would prevent an estimated 4,300 one-way truck trips through Berkeley City streets.

16. UTILITIES AND SERVICE SYSTEMS – Would the Project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	■	☐

As staff would not increase as a result of the project, and the activities that would take place in Building 49 would not generate significantly greater quantities of wastewater than is presently generated by the staff and activities that would relocate there from other locations, the project would not have a significant effect on wastewater generation and therefore would not cause Berkeley Lab wastewater to exceed treatment requirements.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	■	☐

	Will be analyzed in EIR	No additional analysis needed
See above. Due to these factors, the project would not require the construction or new treatment facilities or the expansion of existing ones.		
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	■	☐
LBNL flows to storm sewers would likely increase marginally due to an overall decrease in permeable area. This increase would not be expected to require the construction of new facilities or the expansion of existing ones.		
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	■	☐
Existing water supplies are expected tomeet all reasonably foreseeable project needs.		
e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	■	☐
See above. It is expected that the East Bay Municipal Utility District will have adequate capacity to serve the marginal increase in Project wastewater treatment demand.		
f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	■	☐
See above. By not increasing the number of people at Berkeley Lab, the proposed Project would not substantially change the Lab's solid waste generation. The quantity of solid waste that would be generated by the proposed Project is expected to be within the capacities of the landfills currently serving Berkeley Lab.		
g) Comply with applicable federal, state, and local statutes and regulations related to solid waste?	■	☐
The project will comply with all applicable solid waste requirements.		
h) Exceed an applicable LRDP or Program EIR standard of significance?	■	☐
With the implementation of the mitigation measures set out in the Laboratory's LRDP EIR, as amended, as well as project-specific mitigation measures if required, the Laboratory expects that no applicable standard of significance would be exceeded.		

	Will be analyzed in EIR	No additional analysis needed

LBNL flows to storm sewers would likely increase marginally due to an overall decrease in permeable area. In regard to other facility-specific utility demand, electrical and energy use would increase commensurate with lighting, heating/cooling, and otherwise maintaining new office space.

Because the proposed Project would not increase the population at LBNL, however, demand for most utilities services would not substantially increase. This would be most evident with per capita usage of utilities tied to individual use (e.g., individual computer use, water consumption, wastewater generation, solid waste generation, etc.), which would not change whether the individuals continued to work in existing and overcrowded offices, or in the proposed new building.

17. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	■	☐
The proposed Project would replace relatively undeveloped areas with a building and a parking lot, although these areas are contiguous to heavily developed areas. Several trees, including oaks, and plants would be removed along with an area of open drainage expected to be jurisdictional water bodies. Although not in former Federally designated critical habitat for the Alameda whipsnake, the project area could possibly be used as a dispersal area for the species.		
b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	■	☐
The proposed Project would result in the loss of pervious surface on the project sites. This will be examined along with other projects in the area. It is not expected that any other cumulatively considerable impacts would occur.		
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	■	☐
It is not expected that the proposed Project would cause direct or indirect substantial adverse effects on human beings.		

The proposed Project would reduce vegetation—including oak trees, some riparian vegetation, and possibly some screening trees—in the G-4 parking lot area. It would divert two jurisdictional drainages by filling the site with soil and extending drainage pipes, which are the source of the drainage flows, through the site to reach the existing underground storm drain system that drains the site at Cyclotron Road. It would increase impermeable surface area at both the Building 49 and G-4 parking sites. Without proper mitigation, Project construction would have the potential to disturb any Alameda whipsnakes that happened to be dispersing through either site, although the likelihood of this happening is considered to be low.

18. Fish and Game Determination

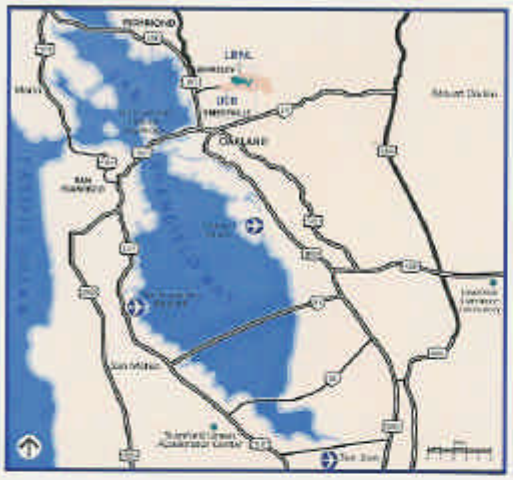
Based on the information above, there is no evidence that the Project has a potential for a change that would adversely affect wildlife resources or the habitat upon which the wildlife depends. The presumption of adverse effect set forth in 14 CCR 753.5 (d) has been rebutted by substantial evidence.

☐ Yes (Certificate of Fee Exemption)

■ No (Pay fee)

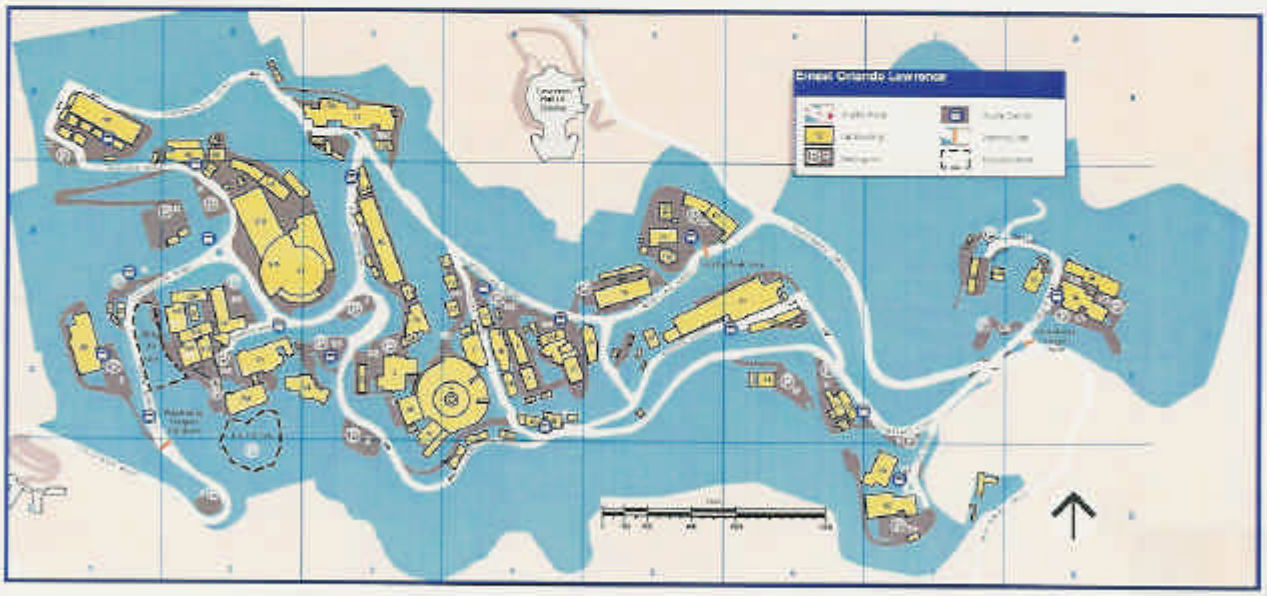
Lawrence Berkeley National Laboratory

Notice of Preparation
Building 49 and G-4 Parking Lot



LBNL Regional Location

LBNL Local Location



Building 49 and G-4 Parking Lot Site Locations

Figure 1: Regional, Local, and Site Location Maps

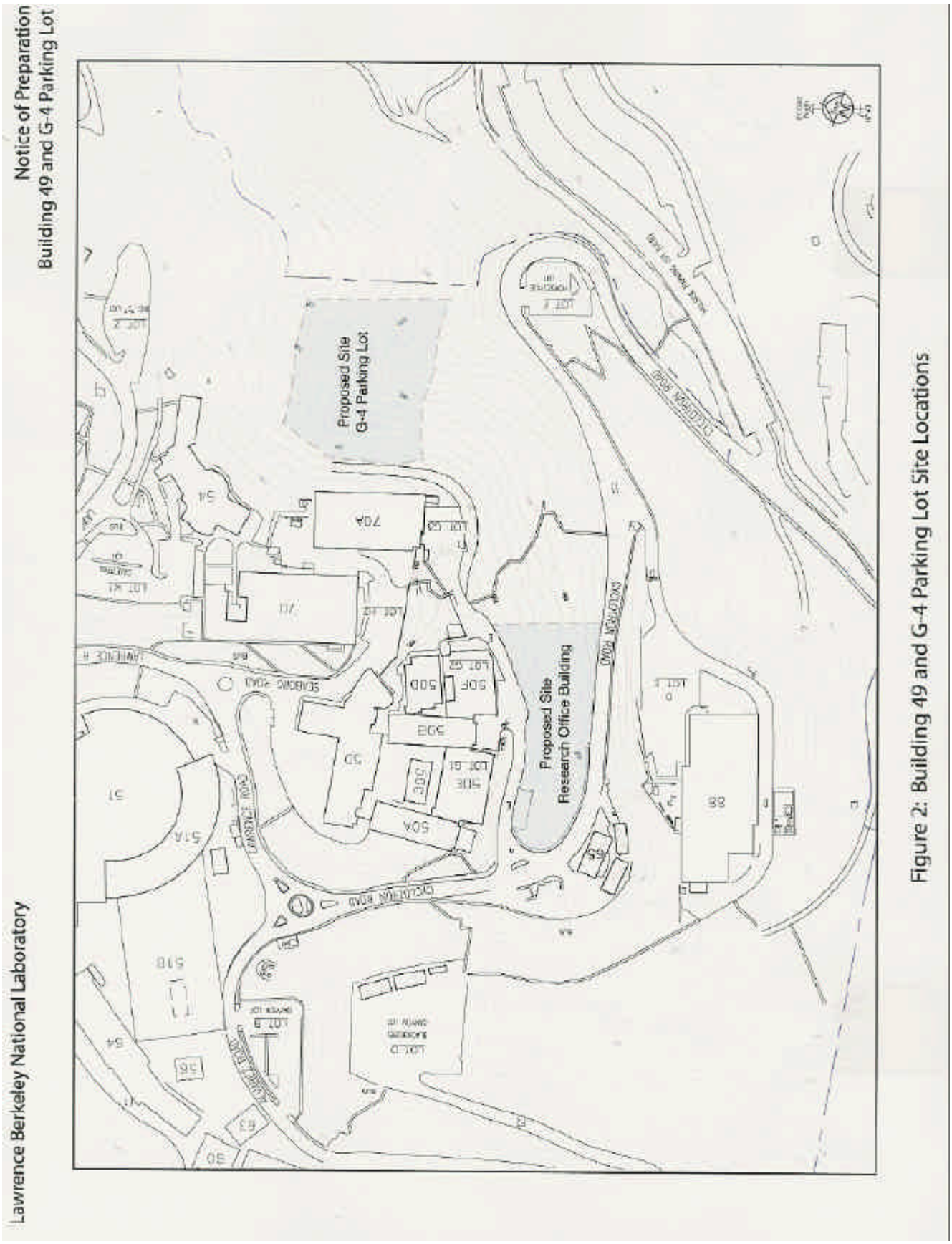


Figure 2: Building 49 and G-4 Parking Lot Site Locations

Figure 3: Building 49 Conceptual Building Form - Looking North East

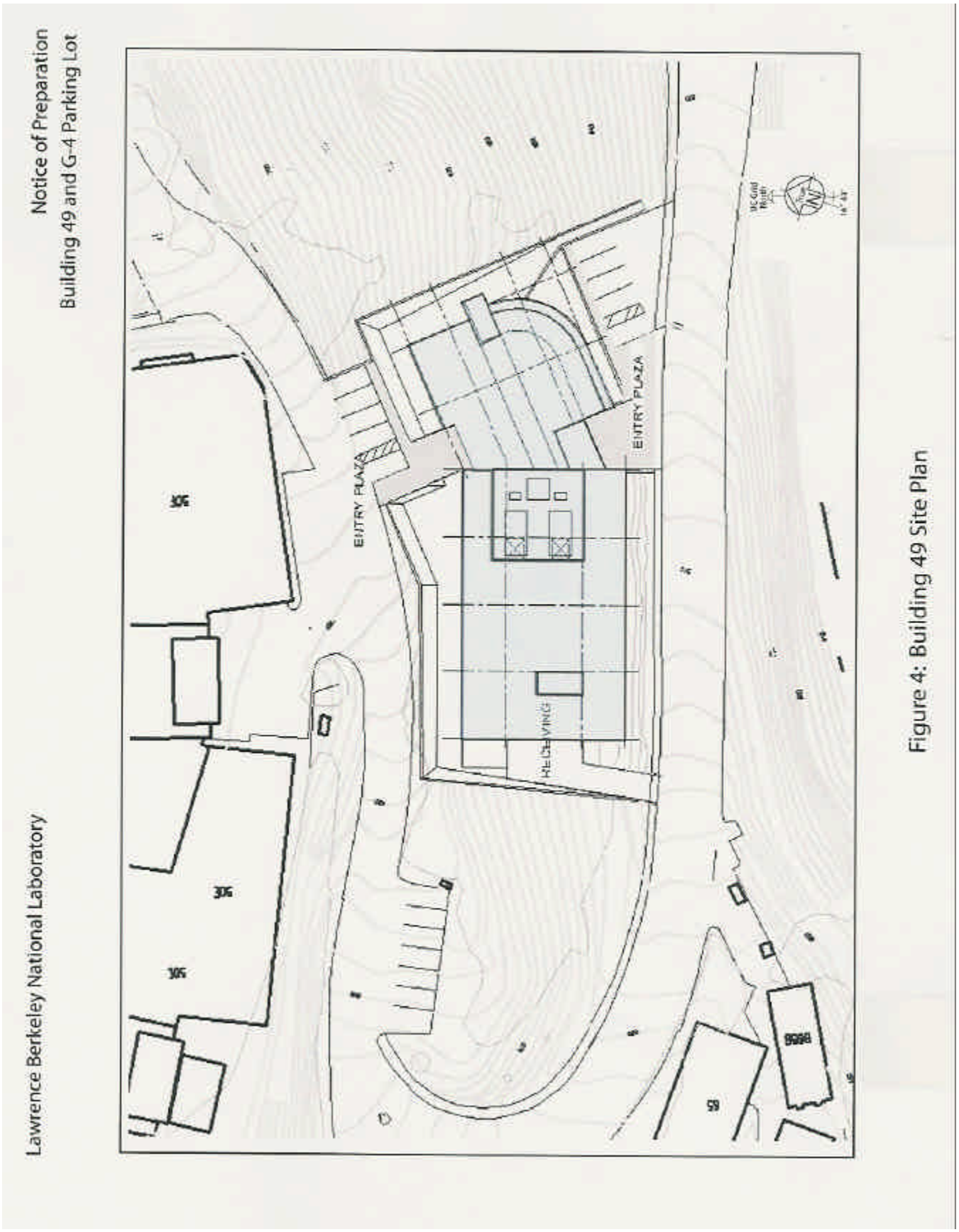
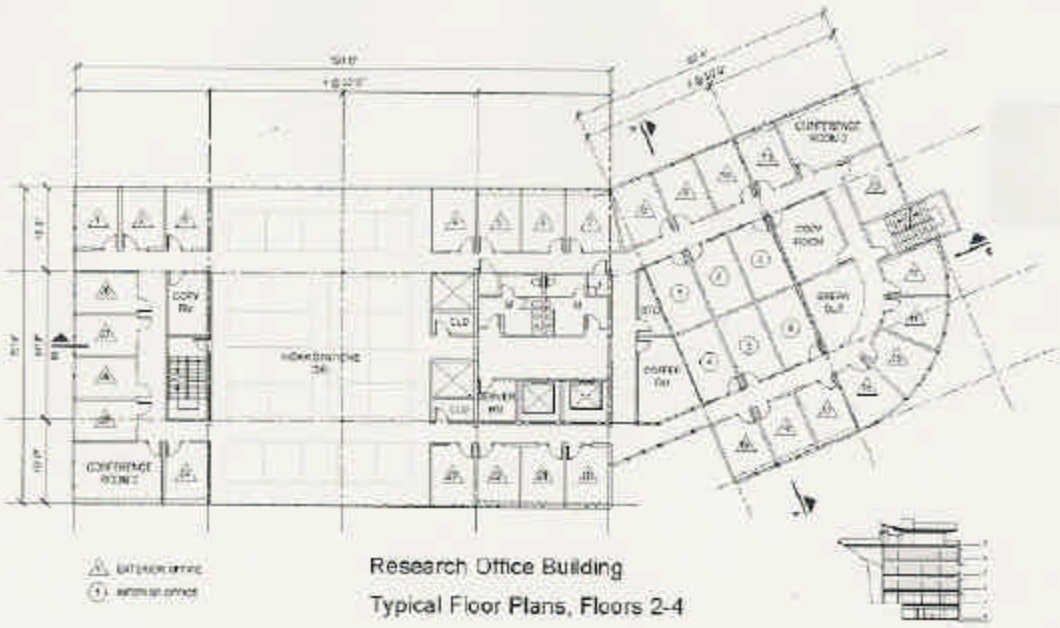


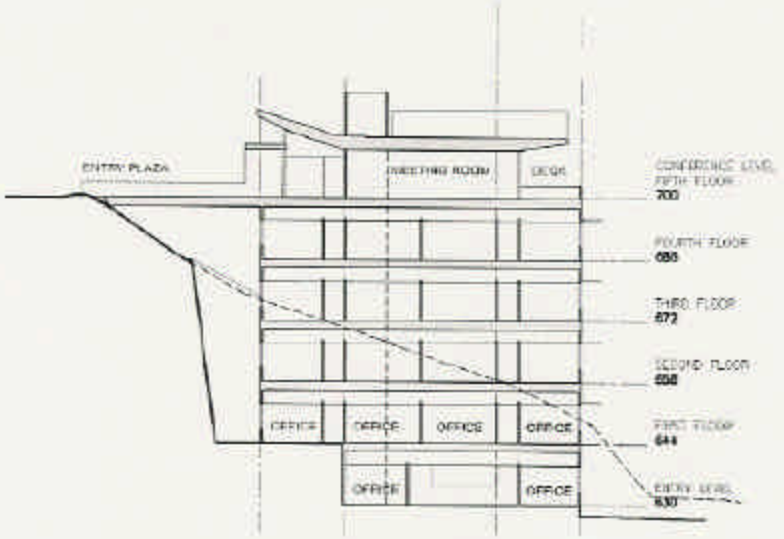
Figure 4: Building 49 Site Plan

Lawrence Berkeley National Laboratory

Notice of Preparation
Building 49 and G-4 Parking Lot



Research Office Building
Typical Floor Plans, Floors 2-4



Research Office Building
Section Looking South

Figure 5: Building 49 Sample Floor Plan and Section

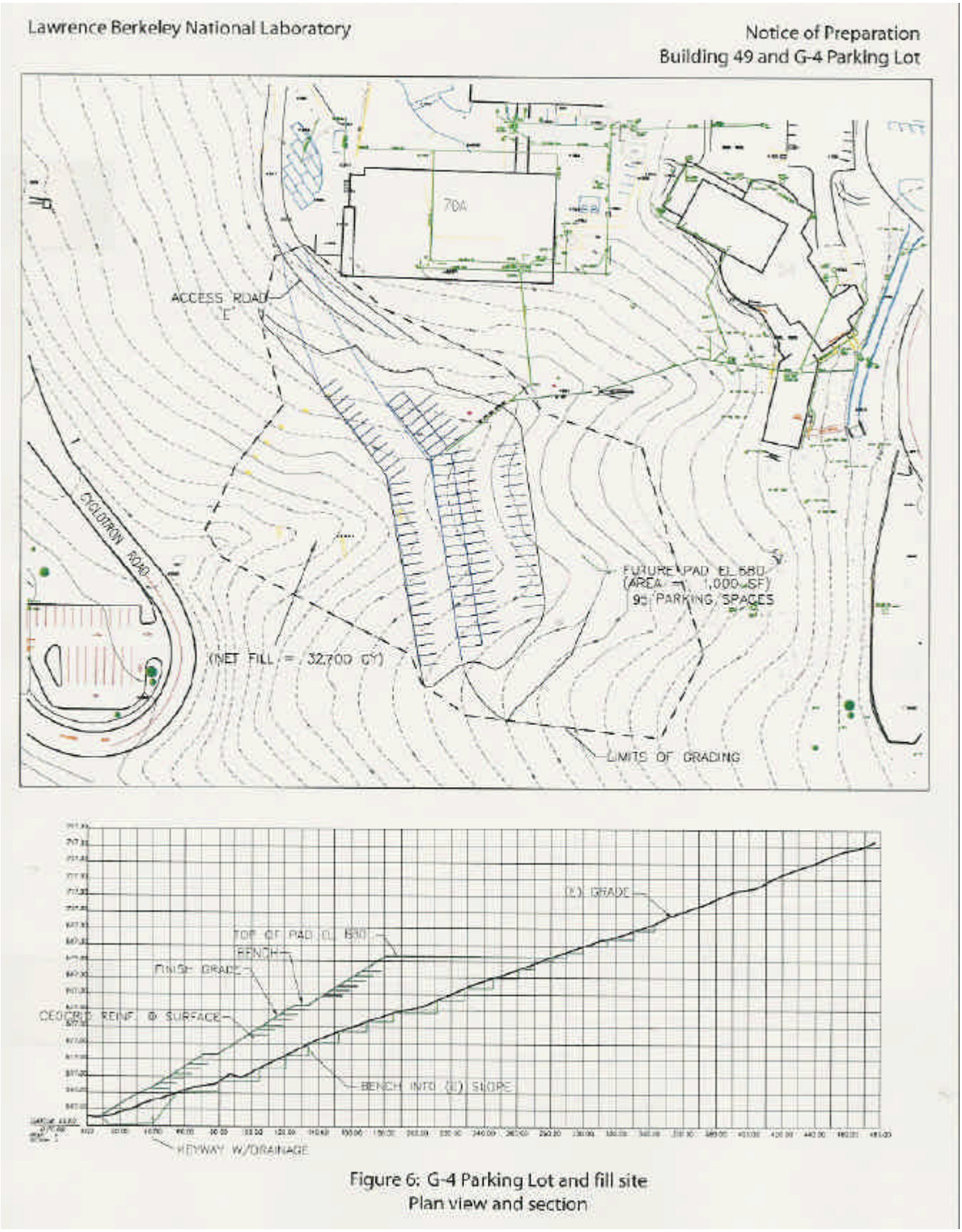


Figure 6: G-4 Parking Lot and fill site
Plan view and section

Figure 7: G-4 Parking Lot and fill site
Plan view and section

Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse

Tal Finney
Interim Director

Notice of Preparation

June 17, 2003

To: Reviewing Agencies

Re: Construction and Operation of Building 49 Office Building and G-4 Parking Lot
SCH# 2003062097

Attached for your review and comment is the Notice of Preparation (NOP) for the Construction and Operation of Building 49 Office Building and G-4 Parking Lot draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Jeff Philliber
University of California
Lawrence Berkeley National Laboratory
1 Cyclotron Road
Alameda, CA 94720

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Philip Crimmins
Project Analyst, State Clearinghouse

Attachments
cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
(916)445-0613 FAX(916)323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2003062097
Project Title Construction and Operation of Building 49 Office Building and G-4 Parking Lot
Lead Agency University of California

Type NOP Notice of Preparation

Description The University of California proposes to enter into an agreement with a third party developer to construct a six-story, 65,000 sq ft office building (Building 49) at Lawrence Berkeley National Laboratory (LBNL) or Berkeley Lab). LBNL would use the building for office and meeting space, and would "decompress" existing staff from other areas of Berkeley Lab that are currently overcrowded or that do not meet LBNL workspace standards for office workers. A parking lot (Parking Lot G-4) would be constructed on a largely undeveloped slope approximately 700 feet southeast of the Building 49 site. The G-4 parking lot would serve the approximately 1,235 occupants of the Building 50 and Building 70 complexes. This area of LBNL is historically underserved for parking.

Lead Agency Contact

Name Jeff Philliber
Agency University of California
Phone 510-486-5257 **Fax**
email
Address Lawrence Berkeley National Laboratory
1 Cyclotron Road
City Alameda **State** CA **Zip** 94720

Project Location

County Alameda
City Berkeley
Region
Cross Streets Cyclotron Road
Parcel No.
Township 1S **Range** 3W **Section** 6 **Base** MDB&M

Proximity to:

Highways 24
Airports
Railways
Waterways
Schools
Land Use The Ernest O. Lawrence Berkeley National Laboratory (LBNL or Berkeley Lab) is a national research facility in Berkeley and Oakland, California, operated by the University of California for the Department of Energy (DOE). The 1987 LBNL Long Range Development Plan (LRDP) is the governing land use document for Berkeley Lab. The Building 49 site is currently in an area described as "open space" within the designated "Central Research and Administration Area" functional planning area. The G-4 parking lot site is partially within the designated "Central Research and Administration Area" functional planning area and is partially within the "West Strawberry Canyon" buffer area. The southern portion of the site is within an area not designated in the 1987 LBNL LRDP. Berkeley Lab is not subject to local and municipal land use designations and zoning. Nevertheless, Berkeley Lab, including both the Building 49 and G-4 parking lot sites, is designated as "institutional" space in the City of Berkeley General Plan.

Project Issues Aesthetic/Visual; Air Quality; Archeologic-Historic; Forest Land/Fire Hazard; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Reviewing Agencies	Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Department of Fish and Game, Region 3; Native American Heritage Commission; Caltrans, District 4; California Highway Patrol; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

Date Received 06/17/2003 ***Start of Review*** 06/17/2003 ***End of Review*** 07/16/2003

Note: Blanks in data fields result from insufficient information provided by lead agency.

NOP Distribution List County: Alameda SCH# [illegible]

Resources Agency

- [x] **Resources Agency** Nadell Gayou
- [ ] **Dept. of Boating & Waterways** Suzi Betzler
- [ ] **California Coastal Commission** Elizabeth A. Fuchs
- [ ] **Dept. of Conservation** Roseanne Taylor
- [ ] **Dept. of Forestry & Fire Protection** Allen Robertson
- [x] **Office of Historic Preservation** Hans Kreutzberg
- [x] **Dept of Parks & Recreation** B. Noah Tilghman, Environmental Stewardship Section
- [ ] **Reclamation Board** Lori Buford
- [x] **S.F. Bay Conservation & Dev't. Comm.** Steve McAdam
- [x] **Dept. of Water Resources** Resources Agency, Nadell Gayou

Fish and Game

- [ ] **Dept. of Fish & Game** Scott Flint, Environmental Services Division
- [ ] **Dept. of Fish & Game 1** Donald Koch, Region 1
- [ ] **Dept. of Fish & Game 2** Banky Curtis, Region 2
- [x] **Dept. of Fish & Game 3** Robert Floerke, Region 3
- [ ] **Dept. of Fish & Game 4** William Laudermilk, Region 4
- [ ] **Dept. of Fish & Game 5** Don Chadwick, Region 5, Habitat Conservation Program
- [ ] **Dept. of Fish & Game 6** Gabrina Gatchel, Region 6, Habitat Conservation Program
- [ ] **Dept. of Fish & Game 6 I/M** Tammy Allen, Region 6, Inyo/Mono, Habitat Conservation Program
- [ ] **Dept. of Fish & Game M** Tom Napoli, Marine Region

Other Departments

- [ ] **Colorado River Board** Gerald R. Zimmerman
- [ ] **Tahoe Regional Planning Agency (TRPA)** Lyn Barnett
- [ ] **Office of Emergency Services** John Rowden, Manager
- [ ] **Delta Protection Commission** Debby Eddy
- [ ] **Santa Monica Mountains Conservancy** Paul Edelman

Health & Welfare

- [ ] **Health & Welfare** Wayne Hubbard, Dept. of Health/Drinking Water

Food & Agriculture

- [ ] **Food & Agriculture** Steve Shaffer, Dept. of Food and Agriculture

Independent Commissions

- [ ] **California Energy Commission** Environmental Office
- [x] **Native American Heritage Comm.** Debbie Treadway
- [ ] **Public Utilities Commission** Ken Lewis
- **State Lands Commission** Jean Sarino
- [ ] **Governor's Office of Planning & Research** State Clearinghouse Planner

Dept. of Transportation

- [ ] **Dept. of Transportation 1** Mike Eagan, District 1
- [ ] **Dept. of Transportation 2** Don Anderson, District 2
- [ ] **Dept. of Transportation 3** Jeff Pulverman, District 3
- [x] **Dept. of Transportation 4** Tim Sable, District 4
- [ ] **Dept. of Transportation 5** David Murray, District 5
- [ ] **Dept. of Transportation 6** Marc Birnbaum, District 6
- [ ] **Dept. of Transportation 7** Stephen J. Buswell, District 7
- [ ] **Dept. of Transportation 8** Linda Grimes, District 8
- [ ] **Dept. of Transportation 9** Gayle Rosander, District 9
- [ ] **Dept. of Transportation 10** Tom Dumas, District 10
- [ ] **Dept. of Transportation 11** Bill Figge, District 11
- [ ] **Dept. of Transportation 12** Bob Joseph, District 12

Business, Trans & Housing

- [ ] **Housing & Community Development** Cathy Creswell, Housing Policy Division
- [ ] **Caltrans - Division of Aeronautics** Sandy Hesnard
- [x] **California Highway Patrol** Lt. Julie Page, Office of Special Projects
- [ ] **Dept. of Transportation** Ron Helgeson, Caltrans - Planning
- [ ] **Dept. of General Services** Robert Sleppy, Environmental Services Section

Air Resources Board

- [ ] Airport Projects, Jim Lerner
- [ ] Transportation Projects, Kurt Karperos
- [ ] Industrial Projects, Mike Tollstrup

- [ ] **California Integrated Waste Management Board** Sue O'Leary
- [ ] **State Water Resources Control Board** Jim Hockenberry, Division of Financial Assistance
- [ ] **State Water Resources Control Board** Student Intern, 401 Water Quality Certification Unit, Division of Water Quality
- [ ] **State Water Resources Control Board** Mike Falkenstein, Division of Water Rights
- [x] **Dept. of Toxic Substances Control** CEQA Tracking Center

Regional Water Quality Control Board (RWQCB)

- [ ] **RWQCB 1** Cathleen Hudson, North Coast Region (1)
- [x] **RWQCB 2** Environmental Document Coordinator, San Francisco Bay Region (2)
- [ ] **RWQCB 3** Central Coast Region (3)
- [ ] **RWQCB 4** Jonathan Bishop, Los Angeles Region (4)
- [ ] **RWQCB 5S** Central Valley Region (5)
  - [ ] **RWQCB 5F** Central Valley Region (5), Fresno Branch Office
  - [ ] **RWQCB 5R** Central Valley Region (5), Redding Branch Office
- [ ] **RWQCB 6** Lahontan Region (6)
  - [ ] **RWQCB 6V** Lahontan Region (6), Victorville Branch Office
- [ ] **RWQCB 7** Colorado River Basin Region (7)
- [ ] **RWQCB 8** Santa Ana Region (8)
- [ ] **RWQCB 9** San Diego Region (9)

California Regional Water Quality Control Board
San Francisco Bay Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Gray Davis
Governor

June 18, 2003
File No. 1538.09 (KHL)

Mr. Jeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Laboratory
One Cyclotron Road, MS 90K
Berkeley, CA 94720

Subject: NOP, Construction & Operation of Building 49 and the G-4 Parking Lot.

Dear Mr. Philliber:

We have received the Notice of Preparation for the above-referenced project. Thank you for the opportunity to comment on it.

Proposed Project

The proposed project would construct a new 65,000 square foot office building and a new parking lot with a minimum of 95 stalls and a maximum of 120 parking stalls. The project could result in the fill of approximately 0.03 acres of a small creek that runs across the project site. In addition, it will discharge construction-stage and, later, post-construction stormwater runoff that has the potential to impact water quality.

Creek Impacts

We concur that the project would likely require a Clean Water Act Section 401 Water Quality Certification from the Board. Should a triggering federal permit, such as a Section 404 permit from the U.S. Army Corps of Engineers, not be required for the project, then Water Quality Certification would also not be required. In that case, because impacts to beneficial uses of waters of the State could still remain, a Report of Waste Discharge should be submitted to the Board under the California Water Code, and an appropriate approval obtained, prior to the beginning of project construction. Please include this requirement in the project's Environmental Impact Report (EIR). In general, creek and wetland fills should be minimized to the maximum extent practicable pursuant to federal Clean Water Act section 404(b)(1) guidelines, and any remaining impacts must be appropriately mitigated. These issues will be considered as part of any permitting process.

We recognize that projects may also create changes in a site's runoff hydrograph. Typically, these changes are comprised of higher peak flows, reduced lag time between a rainfall

event and a peak flow, and reduced and base flows, for sites on which impervious cover is increased. The result of these changes can be increases in flood flows and erosive flows. Often, the erosive threshold of a creek falls significantly below the flood flow level, including for headwaters creeks such as the drainage on the project site. Thus, it is likely that we would request that LBL complete an analysis of the project's hydromodification impacts, which may include an analysis of expected changes in flows and in-creek erosion for flows other than typically analyzed flood flows. Such flows might include the 1-, 2-, and 10-year storm flows. Please include this as a mitigation measure or mitigation measure detail in the EIR.

The NOP does identify that the proposed parking lot design may include pervious pavement. Such a design could help reduce hydromodification impacts. There are other potential designs, some of which are mentioned below, which may be as effective and also easier to implement on the project site.

Stormwater Water Quality Impacts

The proposed project has the potential to impact water quality both during construction and following construction, once it is operating. Because the project would disturb one acre or more of land during construction, LBL must file for coverage under and comply with the Statewide NPDES General Permit for Discharges of Stormwater associated with Construction Activity. More information on this is available at www.swrcb.ca.gov. Click on "Water Quality" in the upper left-hand corner, and scroll down to "Stormwater Program."

The project must also include appropriate measures to mitigate its post-construction impacts to water quality. Impacts may result from the discharge of urban runoff pollutants, such as oil and grease, pathogens, nutrients, and heavy metals from the project, including both the parking lot and proposed offices. At present, Alameda County municipalities are covered under an NPDES municipal storm sewer permit that includes a relatively detailed provision regarding how these impacts should be addressed. A copy of this provision is included for your reference. We would recommend that LBL's approach and mitigation measures be consistent with the approach in the permit, which is being taken in projects around LBL. Briefly, the approach is that projects include: appropriate source controls to prevent the discharge of urban runoff pollutants; design measures to minimize impervious surface; and, treatment controls to treat urban runoff from the projects.

We recommend that the EIR language reflect the language in the enclosed C.3 provision regarding inclusion in the project of appropriate source controls, design measures, and treatment controls, and sizing of treatment controls. At a minimum, the project must include treatment controls, such as bioretention facilities, vegetated swales, or other appropriate controls, to treat runoff from the parking lot, roof runoff from the proposed building, and runoff from any other related impervious surfaces. These controls should be designed to appropriately treat

approximately 80-90 percent of average annual runoff from the project site. Also, it may make sense to design the controls to help minimize any change in the site's runoff hydrograph.

For your information, I have enclosed some pictures of a variety of controls included in other parking lot projects in the Bay Area and elsewhere. We note that the NOP states that LBL "...will investigate the possibility of using such measures as part of the proposed Project" (Checklist, p.13). We appreciate that this language has been included in the NOP. However, LBL must do much more than investigate the possibility of including the measures. To appropriately mitigate urban runoff impacts, such measures must actually be included in the final project design, and the EIR mitigation measure language should reflect this. In addition, LBL must identify the party or parties responsible for maintaining the measures and the source of funding for that maintenance. We recognize that there are challenges inherent in building on the proposed project site, but also recognize that a number of controls exist that could be implemented in the proposed project. I would be happy to further discuss this with you.

Summary

Thank you for providing us the opportunity to comment on the project. It appears that the NOP appropriately identifies potentially significant impacts to creeks and wetlands resulting from fill; to water quality resulting from construction- and post-construction urban runoff; and to creeks and water quality resulting from potential changes in the project site's runoff hydrograph. We have provided information and discussion that should assist with the preparation of an EIR for the proposed project.

Please add me to the mailing list for the EIR and submit a copy addressed to me when the draft EIR is prepared. If you have any questions or further comments, please contact me via email to khl@rb2.swrcb.ca.gov, or at (510) 622-2380.

Sincerely,

Keith H. Lichten, P.E.
Water Resource Ctrl. Engineer

Enclosures
cc: Dale Bowyer, RWQCB
John Baich, RWQCB

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov.

process which includes 1) opportunities for public participation, 2) appropriate external technical input and criteria for the applicability, economic feasibility, design, operation, and maintenance, and 3) measures for evaluation of effectiveness so as to achieve pollutant reduction or pollution prevention benefits to the maximum extent practicable. New or revised Performance Standards may be based upon special studies or other activities conducted by the Permittees, literature review, or special studies conducted by other programs or Permittees. New or revised Performance Standards shall include the baseline components to be accomplished and the method to be used to verify that the Performance Standard has been achieved. The Permittees shall incorporate newly developed or updated Performance Standards, acceptable to the Executive Officer, into applicable annual revisions to the Management Plan and adhere to implementation of the new/revised Performance Standard(s). In addition to the annual Management Plan revisions, the Permittees shall submit a compilation of all annual Management Plan revisions by three years after Board adoption of this Order, which shall serve in part as the re-application package for the next Permit. The draft Annual Workplan required in Provision C.6 shall identify Performance Standards that will be developed or revised for the upcoming fiscal year. Following the addition/revision of a Performance Standard, acceptable to the Executive Officer, the Permittees for which the Performance Standard is applicable shall adhere to its implementation.

3. New Development and Redevelopment Performance Standards

The Permittees will continue to implement the new development and redevelopment Performance Standards contained in the Management Plan and improve them to achieve the control of stormwater pollutants to the maximum extent practicable in accordance with the following sections:

a. Performance Standard Implementation

The Dischargers shall continue to implement and improve, as necessary and appropriate, the performance standards for new development and redevelopment controls detailed on Pages B-ND-1 through B-ND-6 of the July 1996 Management Plan.

b. Development Project Approval Process

The Permittees shall modify their project review processes as needed to incorporate the requirements of Provision C.3. Each Permittee shall include conditions of approval in permits for applicable projects, as defined in Provision C.3.c, to ensure that stormwater pollutant discharges are reduced by incorporation of treatment measures and other appropriate source control and site design measures, and increases in runoff flows are managed in accordance with Provision C.3.f, to the maximum extent practicable. Such conditions shall, at a minimum, address the following goals:

i. Require a project proponent to implement site design/landscape characteristics where feasible which maximize infiltration (where appropriate), provide retention or detention, slow runoff, and minimize impervious land coverage, so that post-development pollutant loads from a site have been reduced to the maximum extent practicable; and

ii. For new and redevelopment projects that discharge directly (not mixed with runoff from other developed sites) to water bodies listed as impaired by a pollutant(s) pursuant to CWA Section 303(d), ensure that post project runoff does not exceed pre-project levels for such pollutant(s), through implementation of the control measures addressed in this provision, to the maximum extent practicable, in conformance with Provision C.1.

Modification of project review processes shall be completed by February 15, 2005.

c. Applicable Projects – New and Redevelopment Project Categories

New development and significant redevelopment projects that are subject to Provision C.3 are grouped into two categories based on project size. While all projects regardless of size should consider incorporating appropriate source control and site design measures that minimize stormwater pollutant discharges to the maximum extent practicable, new and redevelopment projects that do not fall into Group 1 or Group 2 are not subject to the requirements of Provision C.3. Provision C.3 shall also not apply to projects for which a privately-sponsored development application has been deemed complete by a Permittee or, with respect to public projects, for which funding has been committed and for which construction is scheduled by February 15, 2005.

i. Group 1 Projects

Permittees shall require Group 1 Projects to implement appropriate source control and site design measures and to design and implement stormwater treatment measures, to reduce the discharge of stormwater pollutants to the maximum extent practicable. Implementation of this requirement shall begin February 15, 2005. Group 1 Projects consist of all public and private projects in the following categories:

1. Commercial, industrial, or residential developments that create one acre (43,560 square feet) or more of impervious surface, including roof area, streets and sidewalks. This category includes any development of any type on public or private land, which falls under the planning and building authority of the Permittees, where one acre or more of new impervious surface, collectively over the entire project site, will be created.

   Construction of one single-family home, which is not part of a larger common plan of development, with the incorporation of appropriate pollutant source control and design measures, and using landscaping to appropriately treat runoff from roof and house-associated impervious surfaces (e.g., runoff from roofs, patios, driveways, sidewalks, and similar surfaces), would be in substantial compliance with Provision C.3.

2. Streets, roads, highways, and freeways that are under the Permittees' jurisdiction and that create one acre (43,560 square feet) or more of new impervious surface. This category includes any newly constructed paved surface used primarily for the transportation of automobiles, trucks, motorcycles, and other motorized vehicles. Excluded from this category are sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features.

3. Significant Redevelopment projects. This category is defined as a project on a previously developed site that results in addition or replacement, which combined total 43,560 sq ft or more of impervious surface on such an already developed site ("Significant Redevelopment"). Where a Significant Redevelopment project results in an increase of, or replacement of, more than fifty percent of the impervious surface of a previously existing development, and the existing development was not subject to stormwater treatment measures, the entire project must be included in the treatment measure design. Conversely, where a Significant Redevelopment project results in an increase of, or replacement of, less than fifty percent of the impervious surface of a previously existing development, and the existing development was not subject to stormwater treatment

measures, only that affected portion must be included in treatment measure design. Excluded from this category are interior remodels and routine maintenance or repair. Excluded routine maintenance and repair includes roof or exterior surface replacement, pavement resurfacing, repaving and road pavement structural section rehabilitation, within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed.

ii. Group 2 Projects

The Group 2 Project definition is in all ways the same as the Group 1 Project definition above, except that the size threshold of impervious area for new and Significant Redevelopment projects is reduced from one acre (43,560 sq ft) of impervious surface to 10,000 square feet. Permittees shall require Group 2 Projects to implement appropriate source control and site design measures and to design and implement appropriate stormwater treatment measures to reduce stormwater pollution to the maximum extent practicable. Projects consisting of one single family home not part of a larger common plan of development are excluded from the Group 2 Project definition, and therefore excluded from the requirement to implement appropriate stormwater treatment measures. Implementation of this requirement shall begin by August 15, 2006, at which time the definition of Group 1 Projects is changed to include all Group 2 Projects.

iii. Proposal for Alternative Group 2 Project Definition

The Program and/or any Permittee may propose, for approval by the Regional Board, an Alternative Group 2 Project definition, with the goal that any such alternative definition aim to ensure that the maximum created impervious surface area is treated for the minimum number of projects subject to Permittee review. Any such proposal shall contain supporting information about the Permittees' development patterns, and sizes and numbers of proposed projects for several years, that demonstrates that the proposed definition would be substantially as effective as the Group 2 Project definition in Provision C.3.e.ii. Proposals may include differentiating projects subject to the Alternative Group 2 Project definition by land use, by focusing solely on the techniques recommended by Start at the Source for documented low pollutant loading land uses, and/or by optimum use of landscape areas required by Permittees under existing codes as treatment measures. Proposals may be submitted anytime, with the understanding that the Group 2 Project definition, as described in Provision C.3.e.ii will be upheld as the default in the absence of an approved Alternative Group 2 Project definition.

d. Numeric Sizing Criteria For Pollutant Removal Treatment Systems

All Permittees shall require that treatment measures be constructed for applicable projects, as defined in Provision C.3.e, that incorporate, at a minimum, the following hydraulic sizing design criteria to treat stormwater runoff. As appropriate for each criterion, the Permittees shall use or appropriately analyze local rainfall data to be used for that criterion.

i. Volume Hydraulic Design Basis

Treatment measures whose primary mode of action depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:

1. The maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume capture coefficients set forth in

Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998), pages 175-178 (e.g., approximately the 85th percentile 24-hour storm runoff event); or

2. The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the California Stormwater Best Management Practices Handbook (1993), using local rainfall data.

ii. Flow Hydraulic Design Basis

Treatment measures whose primary mode of action depends on flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:

1. 10% of the 50-year peak flow rate; or
2. The flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or
3. The flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity.

e. Operation and Maintenance of Treatment Measures

All treatment measures shall be adequately operated and maintained by complying with the process described below. Beginning July 1, 2004, each Permittee shall implement a treatment measures operation and maintenance (O&M) verification program (O&M Program), which shall include the following:

i. Compilation of a list of properties (public and private) and responsible operators for, at a minimum, all treatment measures implemented from the date of adoption of this Order. Information on the location of all stormwater treatment measures shall be sent to the Alameda County Mosquito Abatement District. In addition, the Permittees shall inspect a subset of prioritized treatment measures for appropriate O&M, on an annual basis, with appropriate follow-up and correction.

ii. Verification and access assurance at a minimum shall include: where a private entity is responsible for O&M, the entity's signed statement accepting responsibility for maintenance until the responsibility is legally transferred to another entity, and access permission to the extent allowable by law for representatives of the Permittee, local vector control district, and Regional Board staff strictly for the purpose of O&M verification for the specific stormwater treatment system to the extent allowable by law; and, for all entities, either:

1. A signed statement from the public entity assuming post-construction responsibility for treatment measure maintenance and that the treatment measures meet all local agency design standards; or
2. Written conditions in the sales or lease agreement requiring the buyer or lessee to assume responsibility for O&M consistent with this provision, which conditions, in the case of purchase and sale agreements, shall be written to survive beyond the close of escrow; or
3. Written text in project conditions, covenants and restrictions (CCRs) for residential properties assigning O&M responsibilities to the home owners association for O&M of the treatment measures; or

4. Any other legally enforceable agreement or mechanism that assigns responsibility for the maintenance of treatment measures.

iii. O&M Reporting: the Permittees shall report on their O&M Program in each Annual Report, starting with the Annual Report to be submitted September 2005. The Annual Report shall contain a description of the organizational structure of the Permittee's O&M Program; an evaluation of that O&M Program's effectiveness; summary of any planned improvements in O&M Program; and a list or summary of treatment measures that have been inspected that year with inspection results.

iv. The Program shall submit by June 1, 2004, a vector control plan for Executive Officer approval, after consultation with the appropriate vector control agencies. The plan shall include design guidance for treatment measures to prevent the production of vectors, particularly mosquitoes, and provide guidance on including vector abatement concerns in O&M and verification inspection activities.

v. The Permittees are expected to work diligently and in good faith with the appropriate state and federal agencies to obtain any approvals necessary to complete maintenance activities for stormwater treatment measures. If the Permittees have done so, and maintenance approvals are not granted, where necessary, the Permittees shall be deemed by the Regional Board to be in compliance with this Provision.

f. Limitation on Increase of Peak Stormwater Runoff Discharge Rates

i. The Permittees shall manage increases in peak runoff flow and increased runoff volume, for all Group 1 Projects where such increased flow and/or volume is likely to cause increased erosion of creek beds and banks, silt pollutant generation, or other impacts to beneficial uses. Such management shall be through implementation of a Hydrograph Modification Management Plan (HMP). The HMP, once approved by the Regional Board, shall be implemented so that post-project runoff shall not exceed estimated pre-project rates and/or durations, where the increased stormwater discharge rates and/or durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in the amount and timing of runoff. The term duration in this Provision is defined as the period that flows are above a threshold that causes significant sediment transport and may cause excessive erosion damage to creeks and streams.

ii. Provision C.3.f.i does not apply to new development and significant redevelopment projects where the project discharges stormwater runoff into creeks or storm drains where the potential for erosion or other impacts to beneficial uses, is minimal. Such situations may include discharges into creeks that are concrete-lined or significantly hardened (e.g., with rip-rap, sackrete, etc.) downstream to their outfall in San Francisco Bay, underground storm drains discharging to the Bay, and construction of infill projects in highly developed watersheds, where the potential for single-project and/or cumulative impacts is minimal. Guidelines for identification of such situations shall be included as a part of the HMP. However, plans to restore a creek reach may re-introduce the applicability of HMP controls, and would need to be addressed in the HMP.

iii. The HMP may identify conditions under which some increases in runoff may not have a potential for increased erosion or other impacts to beneficial uses. Reduced controls or no controls on peak stormwater runoff discharge rates and/or durations may be appropriate in

those cases, subject to the conditions in the HMP. In the absence of information demonstrating that changes in post-development runoff discharge rates and durations will not result in increased potential for erosion or other adverse impacts to beneficial uses, the HMP requirements shall apply.

iv. The HMP proposal, at a minimum, shall include:

1. A review of pertinent literature;
2. A protocol to evaluate potential hydrograph change impacts to downstream watercourses from proposed projects;
3. An identification of the rainfall event below which these standards and management requirements apply, or range of rainfall events to which these requirements apply;
4. A description of how the Permittees will incorporate these requirements into their local approval processes, or the equivalent; and,
5. Guidance on management practices and measures to address identified impacts.

The Permittees may prioritize which individual watersheds the HMP would initially apply to, if it were demonstrated in the HMP that such prioritization is appropriate.

The Permittees may work appropriately with the Santa Clara Valley Urban Runoff Pollution Prevention Program and/or other Bay Area stormwater programs as part of completing these requirements. For example, the Permittees may wish to expand on the literature review being completed by the Santa Clara Valley Urban Runoff Program under its permit, rather than authoring their own literature review from scratch. While such cooperation is encouraged, it shall not be grounds for delaying compliance beyond the schedule set forth herein.

v. The identified maximum rainfall event or rainfall event range may be different for specific watersheds, streams, or stream reaches. Individual Permittees may utilize the protocol to determine a site- or area-specific rainfall event or event range standard.

vi. The HMP's evaluation protocols, management measures, and other information may include the following:

1. Evaluation of the cumulative impacts of urbanization of a watershed on stormwater discharge and stream morphology in the watershed;
2. Evaluation of stream form and condition, including slope, discharge, vegetation, underlying geology, and other information, as appropriate;
3. Implementation of measures to minimize impervious surfaces and directly connected impervious area in new development and redevelopment projects;
4. Implementation of measures including stormwater detention, retention, and infiltration;
5. Implementation of land use planning measures (e.g., stream buffers and stream restoration activities, including restoration-in-advance of floodplains so that floodplains will be able to handle the anticipated increased flows, revegetation, use of less-impacting facilities at the point(s) of discharge, etc.) to allow expected changes in stream channel cross sections, stream vegetation, and discharge rates, velocities, and/or durations without adverse impacts to stream beneficial uses;
6. A mechanism for pre- vs. post-project assessment to determine the effectiveness of the HMP and to allow amendment of the HMP, as appropriate; and,
7. Other measures, as appropriate.

vii. **Equivalent limitation of peak flow impacts:** The Permittees may develop an equivalent limitation protocol, as part of the HMP, to address impacts from changes in the volumes, velocities, and/or durations of peak flows through measures other than control of those volumes and/or durations. The protocol may allow increases in peak flow and/or durations, subject to the implementation of specified design, source control, and/or treatment control measures and land planning practices that take into account expected stream change (e.g., increases in the cross-sectional area of stream channel) resulting from changes in discharge rates and/or durations, while maintaining or improving beneficial uses of waters.

viii. The Permittees as a group shall complete the HMP according to the schedule below. All required documents shall be submitted for approval by the Executive Officer, based on the criteria set forth in this Order, except the HMP, which shall be submitted for approval by the Regional Board. Development and implementation status shall be reported in the Permittees' Annual Reports, which shall also provide a summary of projects incorporating measures to address this Provision and the measures used.

1. February 15, 2004: Submit a detailed workplan and schedule for completion of the literature review, development of a protocol to identify an appropriate limiting storm, development of guidance materials, and other required information;
2. February 15, 2004: Submit literature review;
3. November 15, 2004: Submit a draft HMP, including the analysis that identifies the appropriate limiting storm and the identified limiting storm event(s) or event range(s);
4. May 15, 2005: Submit the HMP for Regional Board approval; and,
5. Upon approval by the Regional Board, implement the approved HMP, which shall include the requirements of this Provision. Prior to approval of the HMP by the Regional Board, the early implementation of measures likely to be included in the HMP shall be encouraged by the Permittees.

g. **Alternative Compliance Based on Impracticability and Requiring Compensatory Mitigation**

i. The Permittees may establish a program under which a project proponent may request alternative compliance with the requirement in Provision C.3.c. to install treatment measures onsite for a given project, upon an appropriate showing of impracticability, and with a provision to treat offsite an equivalent surface area, pollutant loading or quantity of stormwater runoff, or provide other equivalent water quality benefit, such as stream restoration or other activities that limit or mitigate impacts from excessive erosion or sedimentation. The offsite location of this equivalent stormwater treatment, or water quality benefit, shall be where no other requirement in Provision C.3.c for treatment exists, and within the same stormwater runoff drainage basin and treating runoff discharging to the same receiving water, where feasible. Under this Provision, enhancements of existing mitigation projects are acceptable. The Permittees should specifically define the basis for impracticability or infeasibility, which may include situations where onsite treatment is technically feasible, but excessively costly, as determined by set criteria.

ii. **Regional Solutions**: The alternative compliance may allow a project proponent to participate in a regional or watershed-based stormwater treatment facility, without a showing

of impracticability at the individual project site, if the regional or watershed- based stormwater treatment facility discharges into the same receiving water, where feasible.

iii. The Program is encouraged to propose a model alternative compliance program on behalf of the Permittees, for approval by the Regional Board, and for potential adoption and implementation by the Permittees.

iv. The alternative compliance program proposal should state the criteria for granting alternatives from the requirement to install treatment measures onsite; criteria for determining impracticability or infeasibility; and criteria for use of regional or watershed-based stormwater treatment facilities. The proposal should also describe how the project sponsor will provide equivalent water quality benefits or credit to an alternative project or to a regional or watershed treatment facility and tracking mechanisms to support the reporting requirements set forth in Provision C.3.g.vi below.

v. An exemption without the requirement for alternate, equivalent offsite treatment is allowed for the following redevelopment projects after impracticability of including onsite treatment measures is established, where such projects are built as redevelopment projects as defined in Finding 14, and it is clearly demonstrated that cost of participation in alternate, equivalent offsite treatment through a regional treatment or other equivalent water quality benefit project fund will unduly burden the project: creation of housing units affordable to persons of low or moderate income as defined by Health and Safety Code Section 50093, brownfield sites, and/or transit village type developments within 1/4 mile of transit stations and/or intermodal facilities.

vi. Reporting: Each year, as part of its Annual Report, each Permittee shall provide a list of alternative projects and exemptions it granted. For each project and exemption, the following information shall be provided:

1. Name and location of the project for which the alternative project or exemption was granted;
2. Project type (e.g., restaurant, residence, shopping center) and size;
3. Area or percent of impervious surface in the project's final design;
4. Reason for granting the alternative project or exemption, including, for those projects granted an exemption without the requirement for alternate, equivalent offsite treatment, a demonstration that cost of such equivalent offsite treatment unduly burdened the project;
5. Terms of the alternative project or exemption; and,
6. The offsite stormwater treatment project receiving the benefit, and the date of completion of the project.

vii. Interim Alternative Compliance Program: In the event that an alternative compliance program has not been proposed by the Program and/or a Permittee, approved by the Regional Board, or implemented by a particular Permittee by the date of implementation of Group 1 Projects, provision for an interim alternative to the requirement to install treatment measures onsite may be granted by a Permittee. An interim alternative compliance project may be granted if the project proponent (1) demonstrates onsite impracticability due to extreme limitations of space for treatment and lack of below grade surface treatment options, and (2) presents sufficient assurance of providing equivalent offsite stormwater pollutant and/or volume treatment at another location within the drainage basin, for which construction of stormwater treatment measures is not otherwise required, discharging into the same receiving

water, where feasible. The Permittee shall be responsible for assuring that equivalent offsite treatment has occurred for any use of this interim alternative compliance, within six months of project construction, and shall report the basis of onsite impracticability and the nature of equivalent offsite treatment for each project in its Annual Report. Any equivalent offsite treatment that does not include construction of stormwater treatment measures must be approved by the Executive Officer, based on the criteria set forth in this Order. This interim alternative compliance clause will be void when Regional Board approves the alternative compliance program described in Provision C3.g.i-iv, above.

h. Alternative Certification of Adherence to Design Criteria for Stormwater Treatment Measures

In lieu of conducting detailed review to verify the adequacy of measures required pursuant to Provisions C.3.d, a Permittee may elect to accept a signed certification from a Civil Engineer or a Licensed Architect or Landscape Architect registered in the State of California, or another Permittee that has overlapping jurisdictional project permitting authority, that the plan meets the criteria established herein. The Permittee should verify that each certifying person has been trained on treatment measure design for water quality not more than three years prior to the signature date, and that each certifying person understands the groundwater protection principles applicable to the project site (see Provision C.3.i: Limitations on Use of Infiltration Treatment Measures). Training conducted by an organization with stormwater treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association) may be considered qualifying.

i. Limitations on Use of Infiltration Treatment Measures - Infiltration and Groundwater Protection

In order to protect groundwater from pollutants that may be present in urban runoff, treatment measures that function primarily as infiltration devices (such as infiltration basins and infiltration trenches not deeper than their maximum width) shall meet, at a minimum, the following conditions:

i. Pollution prevention and source control measures shall be implemented at a level appropriate to protect groundwater quality at sites where infiltration devices are to be used;

ii. Use of infiltration devices shall not cause or contribute to degradation of groundwater water quality objectives;

iii. Infiltration devices shall be adequately maintained to maximize pollutant removal capabilities;

iv. The vertical distance from the base of any infiltration device to the seasonal high groundwater mark shall be at least 10 feet. Note that some locations within the Permittees' jurisdiction are characterized by highly porous soils and/or a high groundwater table; in these areas treatment measure approvals should be subject to a higher level of analysis (e.g., considering the potential for pollutants such as on-site chemical use, the level of pretreatment to be achieved, and similar factors);

v. Unless stormwater is first treated by a means other than infiltration, infiltration devices shall not be recommended as treatment measures for areas of industrial or light industrial activity; areas subject to high vehicular traffic (25,000 or greater average daily traffic on main

roadway or 15,000 or more average daily traffic on any intersecting roadway); automotive repair shops; car washes; fleet storage areas (bus, truck, etc.); nurseries; and other high threat to water quality land uses and activities as designated by each Permittee; and,

vi. Infiltration devices shall be located a minimum of 100 feet horizontally from any water supply wells.

j. Site Design Measures Guidance and Standards Development

i. The Permittees shall review their local design standards and guidance for opportunities to make revisions that would result in reduced impacts to water quality and beneficial uses of waters. In this event, the Permittees shall make any such revisions and implement the updated standards and guidance, as necessary.

Areas of site design that may be appropriate to address include the following, which are offered as examples:

1. Minimize land disturbance;
2. Minimize impervious surfaces (e.g., roadway width, driveway area, and parking lot area), especially directly connected impervious areas;
3. Minimum-impact street design standards for new development and redevelopment, including typical specifications (e.g., neo-traditional street design standards and/or street standards recently revised in other cities, including Portland, Oregon, and Vancouver, British Columbia);
4. Minimum-impact parking lot design standards, including parking space maximization within a given area, use of landscaping as a stormwater drainage feature, use of pervious pavements, and parking maxima;
5. Clustering of structures and pavement;
6. Typical specifications or "acceptable design" guidelines for lot-level design measures, including:
   - Disconnected roof downspouts to splash blocks or "bubble-ups;"
   - Alternate driveway standards (e.g., wheelways, unit pavers, or other pervious pavements); and,
   - Microdetention, including landscape detention and use of cisterns (may also be considered treatment measures);
7. Preservation of high-quality open space;
8. Maintenance and/or restoration of riparian areas and wetlands as project amenities, including establishing vegetated buffer zones to reduce runoff into waterways, allow for stream channel change as a stream's contributing watershed urbanizes, and otherwise mitigate the effects of urban runoff on waters and beneficial uses of waters (may also be considered treatment measures); and,
9. Incorporation of supplemental controls to minimize changes in the volume, flow rate, timing, and duration of runoff, for a given precipitation event or events. These changes include cumulative hydromodification caused by site development. Measures may include landscape-based measures or other features to reduce the velocity of, detain, and/or infiltrate stormwater runoff (may also be considered treatment measures).

ii. The standards and guidance review shall be completed according to the schedule below. A summary of review, revision, and implementation status shall be submitted for acceptance by the Executive Officer and reported in the Permittees' Annual Reports, beginning with the Annual Report due September 15, 2005.

1. No later than August 15, 2003: The Permittees shall submit a detailed workplan and schedule for completion of the review of standards and guidelines, any proposed revisions thereto and any implementation of revised standards and guidance;
2. No later than November 15, 2004: The Permittees shall submit a draft review and analysis of local standards and guidance, opportunities for revision, and any proposed revised standards and guidance; and,
3. No later than November 15, 2005: The Permittees shall incorporate any revised standards and guidance into their local approval processes and shall fully implement the revised standards and guidance.

k. Source Control Measures Guidance Development

The Permittees shall, as part of their improvement process, submit enhanced new development and significant redevelopment Performance Standards, which summarize source control requirements for such projects to limit pollutant generation, discharge, and runoff, to the maximum extent practicable. Examples of source control measures may include the following, which are offered as examples:

i. Indoor mat/equipment wash racks for restaurants, or covered outdoor wash racks plumbed to the sanitary sewer;

ii. Covered trash and food compactor enclosures with a sanitary sewer connection for dumpster drips and designed such that run-on to trash enclosure areas is avoided;

iii. Sanitary sewer drains for swimming pools;

iv. Sanitary drained outdoor covered wash areas for vehicles, equipment, and accessories;

v. Sanitary sewer drain connections to take fire sprinkler test water;

vi. Storm drain system stenciling;

vii. Landscaping that minimizes irrigation and runoff, promotes surface infiltration where appropriate, minimizes the use of pesticides and fertilizers, and where feasible removes pollutants from stormwater runoff; and,

viii. Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.

A model enhanced new development and significant redevelopment source control Performance Standard and proposed workplan for its implementation shall be submitted by August 15, 2004. Implementation shall begin no later than February 15, 2005, and the status shall thereafter be reported in the Permittees' Annual Reports beginning with the Annual Report due September 15, 2005, which shall also provide appropriate detail on projects reflecting the application of the enhanced Performance Standards consistent with Provision C.3.b, above.

l. Update General Plans

At the next scheduled update/revision of its General Plan, each Permittee shall confirm that it has incorporated water quality and watershed protection principles and policies into its General Plan or equivalent plan, to the extent necessary, to require implementation of the measures required by Provision C.3 for applicable development projects. These principles and policies shall be designed to protect natural water bodies, reduce impervious land coverage, slow runoff, and where feasible, maximize opportunities for infiltration of rainwater into soil. Such water quality and watershed protection principles and policies may include the following, which are offered as examples:

i. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment and where feasible maximize on-site infiltration of runoff;

ii. Implement pollution prevention methods supplemented by pollutant source controls and treatment. Use small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system;

iii. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones. Encourage land acquisition and/or conservation easement acquisition of such areas;

iv. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways, and bridges;

v. Prior to making land use decisions, utilize methods available to estimate increases in pollutant loads and flows resulting from projected future development. Require incorporation of structural and non-structural treatment measures to mitigate the projected increases in pollutant loads and flows;

vi. Avoid development of areas that are particularly susceptible to erosion and sediment loss; or establish development guidance that identifies these areas and protects them from erosion and sediment loss; and,

vii. Reduce pollutants associated with vehicles and increased traffic resulting from development.

If amendments of General Plans are determined to be legally necessary to allow for implementation of any aspect of Provision C.3, such amendments shall occur by the implementation date of the corresponding component of the Provision. If legally necessary General Plan amendments cannot occur by the implementation date because of CEQA requirements or other constraints imposed by the laws applicable to amending General Plans, the Permittee shall report this to the Executive Officer as soon as possible, and no later than in the Annual Report due more than six months in advance of the implementation date. Should changes to implementation dates to enable a Permittee to comply with CEQA and General Plan legal requirements be necessary, the Permittee shall recommend a new implementation date for approval by the Regional Board.

m. Water Quality Review Processes

When Permittees conduct environmental review of projects in their jurisdictions, the Permittees shall evaluate water quality effects and identify appropriate mitigation measures. This

requirement shall be implemented by May 15, 2004. Questions that evaluate increased pollutants and flows from the proposed project include the following, which are offered as examples:

i. Would the proposed project result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).

ii. Would the proposed project result in significant alteration of receiving water quality during or following construction?

iii. Would the proposed project result in increased impervious surfaces and associated increased runoff?

iv. Would the proposed project create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?

v. Would the proposed project result in increased erosion in its watershed?

vi. Is the project tributary to an already impaired water body, as listed on the CWA Section 303(d)? If so, will it result in an increase in any pollutant for which the water body is already impaired?

vii. Would the proposed project have a potentially significant environmental impact on surface water quality, to marine, fresh, or wetland waters?

viii. Would the proposed project have a potentially significant adverse impact on groundwater quality?

ix. Will the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

x. Will the project impact aquatic, wetland, or riparian habitat?

n. Reporting, including Pesticide Reduction Measures

The Permittees shall demonstrate compliance with the requirements of Provision C.3 by providing in their Annual Reports the information described in Table 1, beginning with the dates shown in Table 1 and continuing thereafter. In addition, the following information shall be collected for Annual Report submittal, beginning upon the date of adoption of this Order:

i. For all new development and significant redevelopment projects which meet the Group 1 or Group 2 definitions in Provision C.3.c, collect and report the name or other identifier, type of project (using the categories in Provision C.3.c), site acreage or square footage, and square footage of new impervious surface.

ii. For projects that must implement treatment measures, report which treatment measures were used and numeric-sizing criteria employed, the O&M responsibility mechanism including responsible party, site design measures used, and source control measures required. This information shall also be reported to the appropriate local vector control district, with additional information of access provisions for vector control district staff. This reporting shall begin in the Annual Report following the implementation date specified in Provision C.3.c.

iii. A summary of the types of pesticide reduction measures required for those new development and significant redevelopment projects to be addressed under Provision C.3.e, and the percentage of such new development and significant redevelopment projects for which pesticide reduction measures were included. These measures are required under Provision C.10.c, and relate directly to Provision C.3 requirements.

The Permittees may utilize their Annual Reports to highlight their budget constraints and suggest reprioritization of any Program activities in order to achieve the most cost effective overall Program.

o. Implementation Schedule

The Permittees shall implement the requirements of Provisions C.3.b through C.3.n according to the schedule in Table 2.

4. Public Information and Participation Performance Standards

The Program shall develop a specific workplan with the Permittees based on Section 3. Task 5 of the PIP component of the Management Plan to evaluate the effectiveness of the PIP component and report on this on-going evaluation starting September 2004 for the 2003-2004 Annual Report, and annually thereafter. Effectiveness may be measured through direct or indirect means, such as observation of behavior; surveys; and/or analysis of available data on public involvement in or in response to PIP activities.

5. Performance Standards for Municipal Maintenance

The Program shall implement municipal maintenance performance standards as set forth in the Management Plan.

6. Performance Standard for Rural Public Works Maintenance and Support

For the purpose of this provision, rural means any watershed or portion thereof that remains undeveloped or with primarily agricultural, grazing or open space uses, and drains to unchannelized streams. The Program shall develop, within one year after the adoption of this Order, Performance Standards, appropriate training and technical assistance requirements, and annual reporting requirements for the following rural public works maintenance and support activities: a) management and/or removal of large woody debris and live vegetation from stream channels; b) streambank stabilization projects; and, c) road construction, maintenance, and repairs in rural areas to prevent and control road-related erosion. In addition, Permittees shall develop: d) education and guidance on permitting requirements for rural public works activities so as to stress the importance of proper planning and construction.

7. Annual Reports and Workplans

a. Annual Reports

The Permittees shall submit an Annual Report to the Regional Board by September 15 of each year, documenting the status of the Program's and the Permittees' activities during the previous fiscal year, including the results of a qualitative assessment of activities implemented by the Permittees, and the performance of tasks contained in the Management Plan.

The Annual Report shall include a compilation of deliverables and milestones completed during the previous twelve-month period, as described in the Management Plan. In either the Annual Reports or the Workplans, the Permittees shall propose pertinent updates, improvements, or


Parking lot paving options
May 2003
Keith R. Lichon, P.E.
High flow bypass
Parking lot bioretention facility
Maryland


VED
REGEN
Regular AC at left, vs. porous pavement on right side.
Ecology Center parking lot. Portland, Oregon
September 2002.


"Parking Forest" with unit pavers and trees.
Raleigh, North Carolina.


Gravelpave at Dominican University
River Forest (near Chicago).
At left, plastic lattice is visible.
White objects are quarters.


2hone Technologies swale, constructed entirely in overhang space
Oakland, across from Oakland Coliseum.


Standard AC lot with gravel parking spaces (newly built)
Heidenheim, Germany
May 2003.

Unit pavers in parking lot spaces (near train station)
Heidenheim, Germany
May 2003

Parking lot combines unit pavers to define parking spaces and to drive aisles, and green hexagonal plastic frame paver in spaces.
Legnano, Italy (Milan suburb)
May 2003.

Perhaps something to avoid—
Green hexagonal plastic frame seems to allow excess compaction and support limited grass growth.
Heidenheim, Germany.

Legnano, Italy
Parking lot is used as parking by those going to center of town, for a regular vendor fair, and by those going to the large adjacent park.

Unit pavers at new transit station parking lot.
Heidenheim, Germany.
May 2003.

Legnano, Italy. May 2003.
Mall parking lot combines unit pavers (red) and lattice pavers (green). Lattice pavers are placed at the head of each stall, and may provide an additional infiltration benefit.

2

Lattice pavers in parking spaces. Installation at least 12 years old. Binningen, Switzerland (suburb of Basel). Spring 2002.

3

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June 18, 2003

Jeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Lab, MS 90K
One Cyclotron Rd
Berkeley, CA 94720

Dear Jeff Philliber,

Please oppose the project to turn Cafeteria Creek on the UC Berkeley Campus into a parking lot.

The project will:

-bury 300 feet of Cafeteria Creek;
-destroy numerous coast live oaks and other riparian vegetation;
-cut away a steep slope for building construction which will generate enormous quantities of dirt fill which will be dumped into Cafeteria Creek to then make a parking lot.

Support scoping alternatives in the EIS which consider other options –such as another building site which does not require a cut and fill.

Sincerely,

Dennis Thomas
147 St. Germain Lane
Pleasant Hill, CA 94523

Building 49/ G-4 Parking lot

Subject: Building 49/ G-4 Parking lot
Date: Tue, 1 Jul 2003 14:29:53 -0700
From: Phillip Price <pnprice@mac.com>
To: Jeff Philliber <jgphilliber@lbl.gov>
CC: Therese Powell <tpowell@lbl.gov>, George Reyes <gdreyes@lbl.gov>

Jeff et al.,
Thank you for the informative and well-run meeting last night.

As you know, I am extremely upset about the Lab's plan to use a riparian corridor as a disposal area for dirt from constructing Building 49. I plan on doing whatever I can to stop this ridiculous and wrong-headed plan.

I want to be sure that the EIR covers everything that it should. I would like to get clarification about the qualifications for a site to be considered as an alternative in the EIR. A little background first: As I understand it, the Lab has been unable to get DOE to fund an office building on-site. Instead, the following approach has been devised: a private developer will design and build the building, and will lease it to the Lab. Since the Lab cannot commit to a lease of sufficient duration to pay back the building cost (if we could, we would build the building ourselves), the agreement between the Lab and the developers will stipulate that if the Lab stops leasing the building, the land will revert to UC Berkeley, which has (I presume?) agreed either to lease the building themselves or (?) to allow the building owners to lease it to whomever they wish. As I understand it, one result of this approach is that the Lab considers it a requirement that the building site be on the periphery of the Lab. (If anything in this paragraph is incorrect, I would like to be corrected).

So, here's my question: will the Lab claim that any site in the Lab's interior is not feasible, because of the unusual financial arrangements that are "required")

Also, has there been a decision on an extension to the scoping period?

Thanks in advance for answers to these two questions.

--Phil Price
x7875

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Building 49 and parking lot G-4

Subject: Building 49 and parking lot G-4
Date: Wed, 02 Jul 2003 16:14:28 -0700
From: Rick Diamond <rediamond@lbl.gov>
To: Jeff Philliber <JGPhilliber@lbl.gov>

Jeff,

I just read about these new projects in Currents, and after looking at the site plan, saw that the proposed parking lot is located in a natural stream course with several large trees.

I was wondering if there were other sites on the lab that were considered for the landfill as alternatives to this one, and why this one was chosen?

The Currents article mentioned that this was "cost-effective" and "environmentally preferred" to hauling the dirt to a landfill or other use off (or on) site.

I know that in any project as complex as this one, difficult decisions and trade-offs are made all the time. What I would like to know is what were the alternative sites and proposals considered for the fill? How does one determine the value of a natural stream course with mature oaks? What are the costs of hauling the dirt off site if there aren't alternative locations available on-site?

Is this material available at the website for the proposed EIR, or would you be willing to provide a short response? I'd appreciate any thoughts you have on this, formal or informal.

Thanks,

Rick
x4459

1 of 1 7/15/2003 9:44 AM

Proposed parking lot construction

Subject: Proposed parking lot construction
Date: Wed, 2 Jul 2003 22:03:54 -0700
From: Phillip Price <pnprice@creekcats.com>
To: CVShank@lbl.gov
CC: Jeff Philliber <jgphilliber@lbl.gov>, William Fisk <wjfisk@lbl.gov>, ASHOK GADGIL <AJGadgil@lbl.gov>, Therese Powell <tpowell@lbl.gov>, Jean Choi <JWChoi@lbl.gov>, "David M. Lorenzetti" <DMLorenzetti@lbl.gov>, Michael Sohn <mdsohn@lbl.gov>, RCDiamond@lbl.gov, Buvana Jayaraman <BJayaraman@lbl.gov>, Seungbae Hong <SBHong@lbl.gov>, Matthew MacLeod <mjmacleod@lbl.gov>, "Jonathan Koomey" <jgkoomey@lbl.gov>, Mark Sippola <MRSippola@lbl.gov>, Tracy Thatcher <TLThatcher@lbl.gov>, Sondra Jarvis <SAJarvis@lbl.gov>, Theodore Gartner <TDGartner@lbl.gov>

Dear Dr. Shank,

Eleven years ago, as I was finishing my physics PhD, a Berkeley friend sent me a position announcement for a postdoc at Lawrence Berkeley Laboratory. I applied, and a couple of months later I came out for an interview. Berkeley, and the Lab, seemed like heaven. I spent several days with my friend, exploring Berkeley and its environs. We went for a bike ride in Tilden Park, took BART in to San Francisco, ate at another excellent (yet inexpensive) restaurant every night, and just generally had a great time. I took the LBL shuttle up to my interview, marveled at the great views from the cafeteria window, and was enchanted to see deer grazing on the hillside out of my interviewer's office.

Naturally, when I was offered the postdoc, I took it, and I've been here ever since. Of course I now see Berkeley's flaws as well as its strengths, but I still don't take for granted the things that brought me here in the first place. I still watch the sunset every now and then from the Building 90 parking lot, I still get an almost giddy feeling when I pull around the hairpin curve at just the right time of the evening and see the deep purple bay and sky, with the city spread out before me.

I've also always been proud to be associated with the Lab. When people ask "what do you do there," I mention the lab's wide range of research---cosmology, high-energy physics, computational science, etc.---before discussing my own division (EETD) or department (IED). I've been proud of much that the Lab has done, somewhat sheepish about some of it (like our sometimes heavy-handed public relations), but certainly I've never been ashamed to say that I work at LBNL.

Until now.

The Problem

The proposal to fill in a creek valley to build a parking lot is shameful...not just for the Lab, but for me personally. I consider myself an environmentalist, and have always felt that my values were reflected by that of my Division. I have always believed that we are all, in a small way, working to improve people's health, reduce wasted energy, and improve environmental quality. It seems hypocritical to claim to pursue those goals at an institution that would fill in a creek valley in order to make a parking lot. In fact, it seems so hypocritical that I can't handle the cognitive dissonance that would be generated. I can't work at the Lab, if the Lab pursues this course. This is an extremely painful realization for me, since I enjoy my work, love the lifestyle that the Lab allows, and really like all of my colleagues. But as far as I'm concerned, I don't have a choice if the project continues as planned. We can't fill in a creek valley, it's just wrong. Please find an alternative.

I'm very familiar with this particular creek, having noticed it many times on my daily bike ride home. When the weather conditions are right, I can feel a steady flow of cool air pouring down the valley,

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Proposed parking lot construction

creating a local cool zone that is very noticeable as I pass through it...ironic, that the organization that did research on "urban heat islands" is about to replace a creek valley with a slab of asphalt.

Because the valley opens onto the road right at a hairpin curve that holds drivers' attention, most employees have probably never noticed this steep-sided valley and its seasonal creek...but I have, and I can't stand to see it destroyed.

Alternative sites

The Lab is in a bind. All of the good building sites were used up decades ago, so everything we have left is either marginal or unacceptable. In this case, the "need" to build on a very steep slope means that quite a bit of excavation is required for a building of this size, leading to the question of what to do with the dirt. I can think of few things worse than burying a thriving riparian corridor with it. A better course would be to avoid generating such a large disposal problem in the first place, by building on a flatter site.

As I know you agree, the best alternative would be to replace an existing building that is no longer needed, such as Building 88, or the Bevatron. I am told that, unfortunately, DOE won't agree to pay for removal of the low-level contamination in these areas. Of course it should be a high priority to change that---it doesn't make sense to leave precious building space at the Lab unused for decades. I also think that it's a moral necessity for everyone---whether government agencies or consumers---to take responsibility for the things that we make and buy through their entire life cycle. If I can't discard an old refrigerator in the Berkeley hills, I shouldn't be able to discard an old building there, either. I know I'm preaching to the choir on this.

Please maintain, and in fact increase, the pressure on DOE and Congress to remedy this situation.

Excluding the contaminated areas of LBNL, there are still alternatives. I'm not sure of the status of the Bevatron's "high bay," for example, but I don't think it's contaminated. The enormous volume of this empty shell really shows what a pity it is to move on to marginal sites while this one is available. This site could host a very large office building (or parking garage, if we must placate the Parking Gods); indeed, in principle a parking garage could be built inside the existing shell.

Another obvious building option would be to replace the one-story trailers outside Building 90 with a three- or four-story office building that occupies approximately the same footprint. These trailers are a minor embarrassment to my Division anyway---we work on energy efficiency, yet we use these poorly insulated, high-surface-to-volume, rather unpleasant work areas, each with its own inefficient heating and air conditioning system. A new building there could be a showplace for improved HVAC technologies and building design, while providing fully three floors of additional work space (or more!). People on that side of Building 90 would be inclined to complain about losing their views, but that's easy to solve: move those people to the new building.

As you know, there are many other small (one- and two-story) trailers and buildings around LBNL, and often these are among the most unpleasant work places anyway. Rather than build on marginal land and fill in a creek valleys, we should replace these buildings with three- to five-story new ones.

Parking

One of the great things about the Lab is the excellent shuttle bus system, which makes it easy to avoid driving from almost anywhere in Berkeley. I began commuting by bike when I lived in Rockridge and now, pushing 60, I continue commuting from my home in North Berkeley. I know from firsthand experience that it is very easy to commute without driving, from several miles around. In fact, almost right up until her untimely death from cancer a couple of years ago, my fifty-something program head, Joan Daisey, commuted by BART and

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Proposed parking lot construction

shuttle. And yet, I also know many fit, able-bodied colleagues who drive to work every day from within a couple of miles of the Lab. So I'm a bit skeptical of the supposed "need" for more parking.

The Lab should provide as little parking as possible, and not out of some social-engineering attempt to reduce driving. The Lab should provide as little parking as possible because parking is an utter waste of space, at a place that can't afford such luxuries. Every square foot dedicated to parking is a square foot that can't be occupied by a productive use like a lab or an office. The problem with parking isn't just that we have to pay to provide it and maintain it, it's that parking spaces displace work space.

Idea #1. Consider all of the space at the Lab that is dedicated to parking. As a thought experiment, consider how much it would be worth the Lab to have that amount of flat space available for buildings. Surely the answer is in the tens of millions of dollars. That's the real cost of providing parking at the Lab. I suggest that the Lab start charging a reasonable amount for parking, perhaps on the order of $5 per day ($100 per month). The money could be used to expand the shuttle service to outlying areas; for instance, when I lived in Rockridge I never used the then-new Rockridge shuttle because of its very limited hours that did not match my schedule. I'm pretty sure that even as low a cost as $5 per day will be enough to get some people to switch to the shuttle, especially if improved service is part of the package.

Idea #2. Given that a parking lot is a waste of valuable space, why not use space that has to be wasted anyway? Every building needs a roof...why not start designing new buildings with rooftop parking? The Lab is an ideal place for this, because the steep terrain provides relatively easy access to rooftops---in fact, it's remarkable how many places at the lab you can look down from a road onto the roof of a nearby building. Building so that the structure can support rooftop parking costs more than conventional building...but not nearly as much as sacrificing space for a parking lot.

A final alternative

I know the response to all of the above, because it's always the response to complaints based on environmental concerns: "We'd love to do what you suggest, but we can't afford it." It's true, being environmentally responsible introduces another constraint, and this can increase costs. But environmental responsibility is just that---a responsibility--not an option. If the fill can't be disposed of responsibly, don't build the building. Yes, that will mean that we have to continue to struggle with insufficient space, but that may just be our cross to bear.

Please re-consider the decision to bury a thriving creek valley with tons of dirt.

Sincerely,
Dr. Phillip Price
x7875

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Office of the City Manager

July 2, 2003

Dr. Charles V. Shank, Director
Lawrence Berkeley National Laboratory
One Cyclotron Road MS 50A-4119
Berkeley, CA 94720

Dear Dr. Shank:

Thank you for the Notice of Preparation for a Draft Focused, Tiered Environmental Impact Report (EIR) for construction of a new building and parking lot at Lawrence Berkeley National Laboratory (LBNL). The notice indicates that response is due by July 16. The purpose of this letter is to request a two-week extension.

The Notice of Preparation will be on the City Council July 15, 2003 agenda. An extension of the comment period until July 30 is requested to provide adequate time for staff to address any issues that may be raised by the City Council.

Sincerely,

Weldon Rucker
City Manager

Cc: Mayor and City Council
Arrietta Chakos, Chief of Staff
Grace Maguire, Assistant to the City Manager
Phil Kamlarz, Deputy City Manager/Interim Planning Director
Wendy Cosin, Deputy Planning Director
Jeff Philliber, LBNL Environmental Planning Coordinator

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7000 TDD: 510.981.6903 Fax: 510.981.7099
E-mail: manager@ci.berkeley.ca.us

Request for information

Subject: Request for information
Date: Thu, 03 Jul 2003 18:16:47 -0700
From: Bob Piper <piperrr@alum.mit.edu>
To: JGPhilliber@lbl.gov

Jeff,

As a member of the Northern Alameda County Group of the Sierra Club, I have received an e-mail about a proposed LBNL project described, in part, as follows.

Lawrence Berkeley National Laboratory (LBNL), in conjunction with UC Berkeley, has just begun the EIR process for a project that - if built as planned - WILL COMPLETELY BURY A SMALL CREEK AND FILL MOST OF ITS VALLEY, in order to build a parking lot. In fact, although LBNL does want the parking lot, that's not the main motivation: really, they just need a place to dump over 2000 truckloads of dirt (that's not a typo) that will be generated by excavating for a new building, and disposing of it on-site will save them a lot of money and a lot of hassle. Where can you dump 2000 truckloads of dirt? In a valley. It doesn't seem to bother them that the valley is a thriving creek corridor that includes several coast live oaks, supports lots of bird life, and is threaded with paths made by the Lab's black-tailed deer. Moreover, it provides wildlife corridor linkage to Tilden Park open space areas. In short, the project will:

I gather that you bear some responsibility for the EIR.

I should be grateful for information that would help us ascertain what is going on. Is there a WEB site or something? Not too time consuming, please...

The Group will probably take a position. I should like to participate responsibly in developing that position.

Thank you.

Robert R. Piper, Ph.D.

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Proposed Fill Of Strawberry Creek Tributary

Subject: Proposed Fill Of Strawberry Creek Tributary
Date: Thu, 3 Jul 2003 15:22:58 -0700 (PDT)
From: Judy Forrest <ne_swik@yahoo.com>
To: khl@rb2.swrcb.ca.gov, tjl@rb2.swrcb.ca.gov, JGPhilliber@lbl.gov, CVShank@lbl.gov, TPowell@lbl.gov, ewylie@spd.usace.army.mil, c!ong@spd.usace.army.mil, opinion@berkeleydailyplanet.com, lwrenn@ectimes.com, assemblymember.hancock@assembly.ca.gov

Regarding LBNL's plans to fill part of a seasonal tributary to the North Fork of Strawberry Creek in order to assist in disposing of construction dirt by building a parking lot, I am very sceptical as to whether all options have been duly studied. Please consider me opposed to this plan, and willing to fight against it, until you have shown that there is no way to avoid destroying yet another of our tiny, remining natural areas.

I expect that our local politicians will assist in opposing this plan, when they realize the strength of community opposition.

Yours sincerely,
Judy Forrest

Judy Forrest
ne_swik@yahoo.com

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I oppose filling of California Creek in Berkeley

Subject: I oppose filling of California Creek in Berkeley
Date: Thu, 03 Jul 2003 10:42:49 -0700
From: "Rusty McCall, Esq." <rustymccall@hotmail.com>
Reply-To: rustymccall@world.oberlin.edu
To: rustymccall@hotmail.com, khl@rb2.swrcb.ca.gov, tjl@rb2.swrcb.ca.gov, JGPhilliber@lbl.gov, CVShank@lbl.gov, TPowell@lbl.gov, ewylie@spd.usace.army.mil, cfong@spd.usace.army.mil, opinion@berkeleydailyplanet.com, lwrenn@cctimes.com, assemblymember.hancock@assembly.ca.gov

khl@rb2.swrcb.ca.gov (Keith Lichten, Regional Water Quality Control Board)
tjl@rb2.swrcb.ca.gov (Tina Low, Regional Water Quality Control Board)
JGPhilliber@lbl.gov (Jeff Philliber, LBNL and UCB)
CVShank@lbl.gov (Director, LBNL)
TPowell@lbl.gov (Community Liason, LBNL)
ewylie@spd.usace.army.mil (Ed Wylie, Army Corps of Engineers)
cfong@spd.usace.army.mil (Calvin Fong, Army Corps of Engineers)
opinion@berkeleydailyplanet.com (Berkeley Daily Planet)
lwrenn@cctimes.com (Contra Costa Times and Berkeley Voice)
assemblymember.hancock@assembly.ca.gov (Assemblywoman Loni Hancock)

Dear all of the above valued and esteemed local representatives and community workers,

I have just learned of plans to fill in a seasonal creek in Berkeley called California Creek with the leftovers of a UC Berkeley building project. It strikes me as very irresponsible and as a waste of the natural resources of our city. The valley is a thriving creek corridor that includes several coast live oaks, supports lots of bird life, and is threaded with paths made by the Lab's black-tailed deer. Moreover, it provides wildlife corridor linkage to Tilden Park open space areas.

This proposed project seems to me to be a convenient way to cut costs for the Lawrence Berkeley National Laboratory (LBNL), in conjunction with UC Berkeley, at the expense of more irreplacable watershed riparian land. This is how I as well as many other organizations and Berkeley constituents see the project: In short, the project will:

* completely bury roughly 300 (or more) linear feet of open creek;
* result in the removal of numerous coast live oaks and other important riparian vegetation;
* actually fill in (i.e. bury) a riparian corridor with 2000 truckloads' worth of of dirt;
* cut away an extremely steep slope for building construction - an inappropriate building site - thus generating the dirt fill in the first place;
* construct a new parking lot, thereby actively promoting more vehicle use, traffic, and air pollution

I urge you to not let this project find approval as proposed. With all of the brain power associated with and invested in UC Berkeley, they must be able to think of a more creative use for this soil than to fill in a valuable seasonal creek, however large or small it may be.

I look forward to hearing how you are handling this issue with all of our interests in mind.

Sincerely,

Russell McCall
2012 10th St
Berkeley, CA
94710

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I oppose filling of California Creek in Berkeley

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although not everyone is directly guilty of racism and discrimination, we are all responsible for it.

sonia nieto

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Do not fill in the creek at LBL - we are watching

Subject: Do not fill in the creek at LBL - we are watching
Date: Thu, 03 Jul 2003 11:49:17 -0700
From: Allysyn Kiplinger <allysyn@xraycards.com>
To: khl@rb2.swrcb.ca.gov (Keith Lichten, Regional Water Quality Control Board),
tjl@rb2.swrcb.ca.gov (Tina Low, Regional Water Quality Control Board),
JGPhilliber@lbl.gov (Jeff Phillliber, LBNL and UCB), CVShank@lbl.gov (Director, LBNL),
TPowell@lbl.gov (Community Liason, LBNL),
ewylie@spd.usace.army.mil (Ed Wylie, Army Corps of Engineers),
cfong@spd.usace.army.mil (Calvin Fong, Army Corps of Engineers),
opinion@berkeleydailyplanet.com (Berkeley Daily Planet),
lwrenn@cctimes.com (Contra Costa Times and Berkeley Voice),
assemblymember.hancock@assembly.ca.gov (Assemblywoman)

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Subject: Regarding Construction and Operation of Building 49 and the G-4 Parking Lot
Date: Fri, 4 Jul 2003 11:16:28 -0700
From: Nick Pilch <nicky@mindspring.com>
To: JGPhilliber@lbl.gov

I do not agree with your proposal to fill in a seasonal creek containing California native landscape. So few of our creeks are left in their original state. Don't make this big mistake.

Subject: Re: LBNL proposed infil of Cafateria Creek
Date: Sat, 5 Jul 2003 17:01:44 -0700
From: "Dona Spring" <donaspring@mindspring.com>
To: "Jennifer Pearson" <jennifermaryphd@hotmail.com>, <zjb@lmi.net>, <wagley@igc.org>, <UCC_berkeley@hotmail.com>, <Timlhansen@aol.com>, <pteichner@juno.com>, <rsutton@nature.Berkeley.EDU>, <robwrenn@attbi.com>, <Rhocur@aol.com>, <pwrbus@pacbell.net>, <rentawriter@attbi.com>, <redcoral@jps.net>, <rdelvecchio@sfchronicle.com>, <quercus40@hotmail.com>, <poschman1@attbi.com>, <Paul.Shain@attbi.com>, <Norine38@cs.com>, <JohnMcBride94702@aol.com>, <mdb4@mindspring.com>, <laurenmoret@yahoo.com>, <LaLavandeCunn@aol.com>, <kleighmi@flash.net>, <kevinconniesutton@yahoo.com>, <jandtkelly@igc.org>, <jthomas621@aol.com>, <jrshively@jps.net>, <jlam@dnai.com>, <Heuseljk@aol.com>, <gsmith@earthisland.org>, <gringohumor@yahoo.com>, <dadworkerbee@yahoo.com>, <galeg@uclink.berkeley.edu>, <F5creeks@aol.com>, <Elaine.Eastman@KP.org>, <egret@lmi.net>, <cddovzak@yahoo.com>, <caroleschem@earthlink.net>, <cafred1@juno.com>, <mtbrcb@pacbell.net>, <BAHA@pop.mail.rcn.net>, <austene@pacbell.net>, <ANicoloff@aol.com>, <amrsb@worldnet.att.net>, <itsa@dnai.com>, <JGPhilliben@lbl.gov>, <jlamont@creekcats.com>, "Lindsay Vurek" <lvurck@igc.org>

any other suggestions as what I can do at the Council level?

MEMORANDUM

Date: 7-8-03

To: City Council

From: Councilmember Spring

Subject: AMENDMENT TO AGENDA ITEM 42. ON LBNL

Add the following amendments to agenda item 42. LBNL by Mayor Bates:

1. Ask the City Manager to send letters to LBNL, Regional Water Quality Control Board, Department of Fish and Game,, and to the Army Corps of Engineers:

expressing the Council's strong opposition to the LBNL proposal to land fill in Cafeteria Creek in a small valley/corridor that will destroy the ecological integrety of the North Branch area of the Strawberry Creek for a parking lot

Re: LBNL proposed infil of Calisteria Creek

2. Send to LBNL a copy of the city's long-standing policy to daylight creeks not allow creeks to be in filled.

3. Send to LBNL the city policy on prohibiting the removal of Live Oak trees.

4. Request a 15 day extension to the EIR scoping period for "Building 49 and parking lot" which closes on July 16.

2 of 2 7/15/2003 9:42 AM

July 6, 2003

Jeff Philliber, Environmental Planning Coordinator
Lawrence Berkeley National Laboratory MS90K
One Cyclotron Road, Berkeley CA 94720

Re: The Proposed Projects: Building 49 and G-4 Parking Lot

Please consider these comments on the Evaluation of Environmental Factors Initial Study Checklist for the Building 49 and G-4 sites.

Aesthetics

I.C The existing visual character or quality of the environment would be degraded by the removal and destruction of trees and riparian vegetation and the burying of North Fork of Strawberry Creek--all habitats for wildlife. Because the sites **are** adjacent to heavily developed areas of concrete and asphalt, the present undeveloped , natural condition of the sites is of **more** value aesthetically for the people employed at the Lab and those in the community.

Air Quality

3.C The increase of up to 120 parking stalls at G-4 would **increase** the number of cars/air pollution. Currently all those Lab employees who car-pool, bicycle, ride the LBNL bus are responsible for lessening air pollution in our community. Thank you!

Biological Resources

4C. the watershed of the North Fork of Strawberry Creek would be buried and paved over by the G-4 parking lot. The journal *of Science* reports that watersheds/small streams get first crack at non-point source pollution. This vital watershed protects the water quality of San Francisco Bay. Opening creeks not burying them with parking lots is the way to go!

4e. The removal of mature, native Coast Live Oaks is in conflict with City of Berkeley's Oak Preservation Ordinance. Oaks are currently treatened by "Sudden Oak Death" and you are going to remove ones that are healthy?

Transportation/Traffic

15 a.Up to 120 additional parking spaces at G-4 parking lot would obviously cause an **increase** in car traffic.

I hope the LBNLwill sincerely consider an **alternative** on-site location for Building 49--some underused,or already open space.

Sheila Andres

Sheila Andres
1324 Arch St. , Berkeley, CA 94708

July 6, 2003

Charles Shank, Director
Lawrence Berkeley National Laboratory
One Cyclotron Road, Berkeley CA 94720

Re: The Proposed Projects: Building 49 and G-4 Parking Lot

Please consider these comments on the Evaluation of Environmental Factors Initial Study Checklist for the Building 49 and G-4 sites.

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Sheila Andres
1324 Arch St. , Berkeley, CA 94708

cc: J Phillibar
Reyes
Medley Powell

RECEIVED
JUL 08 2003
DIRECTOR'S OFFICE

Please Consider Alternatives to LBNL Pr...ll in Creek in Order to Clear New Site

Subject: Please Consider Alternatives to LBNL Proposal to Fill in Creek in Order to Clear New Site
Date: Sun, 6 Jul 2003 06:59:01 -0700 (PDT)
From: tIFFANY hIGGINS <tifhiggins@yahoo.com>
To: JGPhilliber@lbl.gov

Dear Jeff Phillibe r,

I have learned that Lawrence Berkeley Laboratory, in the process of creating a new building, is planning to dig out 2000 truckloads of dirt, which then will be dumped in a valley, filling in its creek. The creek is home to many birds and deer, and fully vegetated with Coast Live Oaks. In short, it is a valuable ecosystem. The animals surely shall suffer should the lab go forward in filling in the valley and its running creek. Of course, when the ecosystems in which we live diminish, we humans suffer as well.

I would greatly appreciate your encouraging the lab to use alternative building sites--ones previously used which need only be cleaned up in order to build on, rather than cutting down a steep slope in order to build. There are wiser alternatives that would both satisfy the desire to build and the desire for this vital creek corridor to Tilden to thrive.

Thank you so much for looking into this proposal. Hoping you'll help to negotiate wiser alternatives to the current Lawrence Lab proposal.

Tiffany M. Higgins
828 Adams St.
Albany, CA 94706

1 of 1 7/15/2003 9:42 AM

Subject: Stop the Lawrence Berkeley Lab Parking Lot Project!
Date: Mon, 07 Jul 2003 17:54:02 -0400
From: KjVanDam@aol.com
To: assemblymember.hancock@assembly.ca.gov, lwrenn@cctimes.com, opinion@berkeleydailyplanet.com, cfong@spd.usace.army.mil, ewylie@spd.usace.army.mil, TPowell@lbl.gov, CVShank@lbl.gov, JGPhillber@lbl.gov, tjl@rb2.swrcb.ca.gov, khl@rb2.swrcb.ca.gov
CC: jlamont@creekcats.com

To Whom It May Concern:

I am writing to express my opposition to the Lawrence Berkeley Lab's latest building and parking lot project, because it will not only fill a healthy valley ecosystem with excavation dirt, but will in doing so endanger lives and structures that lie directly beneath the proposed project area.

I am a lifetime Bay Area resident, a student at the University of California Berkeley, and an intern at the local environmental quarterly, Bay Nature. I am deeply concerned about the fragile ecology of the Bay Area and its high concentration of people, who are constantly threatened by earthquakes, fires, and landslides. We choose to live in this area and we are aware of the risks associated with our presence, but a project such as the LBL-building project poses an unnecessary threat to both the ecology of the area and its residents.

The project's plan to excavate 2000 truckloads of dirt from a hillside is in itself a folly that should not be repeated in an area known for fires and steep cliffs, because these two things in combination provide a perfect opportunity for mudslides. There are two things wrong with dumping 2000 truckloads of dirt in a valley. First, it will bury and suffocate a thriving ecosystem, something that is rapidly disappearing in the urban sprawl of the Bay Area. It is not that there is no other place for the lab to dump its dirt; it simply is not willing to pay extra to clean up its mess. If we have not yet learned from the massive scar in the hills above Highway 13, caused by a mine, here it is: disrespecting the hills causes visual blight, and that is something that the Berkeley hills need no more of. In addition, the simple rules of geology and gravity dictate that when there is an unstable mass of soil on a steep slope, it will take very little moisture to cause the entire mass to form a mudslide. If the creek which will be buried does not undermine the soil by itself, a single heavy rain could cause the mass of soil to slide down the hill and cover whatever lies beneath it: homes, roads, people, and businesses. This same situation holds for the parking lot, which the Lab has outlines in its report will be built on "fill". Fill liquifies in an earthquake and in a deluge of rain. If the entire lot being wiped out is not enough of a danger, whatever the lot lands on after it slides down the hill will be destroyed. It is well known that the Bay Area geology is plagued by landslides, heavy rains, and earthquakes, so there is a good chance of at least one of these disasters occurring. However, this can all be prevented, if the digging out of a natural landform could be stopped.

In addition, the hills on which the Lab is built is so steep that terracing is required to erect a building. Terracing actually increases the chances of the land above the building forming into a mudslide, and so the building itself is in danger of being destroyed or flooded with mud. It is irresponsible and incompetent of the planners of this project to attempt to defy the laws of nature in carrying out this project.

It is not only for the sake of the Bay Area's natural environment that I am writing to oppose the Lab's new project. It is also for the sake of the Bay Area residents who will have to deal with whatever consequences the project incurs. The people do not want 2000 truckloads of dirt in their valleys. They do not want landslides that threaten their homes and ways of life. They do not want their hills to be covered with any more structures of any sort. We go there to walk in our parks and enjoy the only local natural areas we have. Please help us preserve our hills and ecosystems and oppose the Lawrence Berkeley Lab's new building project. Hold them

accountable for their waste disposal, which includes the soil they extract to make room for their buildings. They enjoy a beautiful view of the entire San Francisco Bay and surrounding area that very few residents get to enjoy. Why, then, should they get to see this view if they are destroying the ecosystems that surround them? Please help us protect our natural legacy that we have worked so hard to preserve.

Thank you.

Kristen Van Dam
2231 Derby Street
Berkeley, CA
94705

Mr. Jeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Lab
One Cyclotron Rd. M/S 90K
Berkeley, ca. 94720

Ref: Office Building 49 and G-4 Parking lot
Scoping meeting Comments

Dear Mr. Philliber,

Please submit the following comments for review. They should be referenced to your scoping meeting of June 30, 2003.

1. The transportation segment must be given a higher priority. If Lawrence Berkeley National Lab hopes to be a good neighbor with Berkeley, it must assume some of the burden for the upkeep of the Cities infrastructure. This project will cause wear and tear on our streets. Monies should be set aside to take care of any needed repair expenses the City may experience.
2. Because the Lab is located in an insolated area of Berkeley, the traffic into and out of the facility contributes to the congestion and gridlock during the commute hours. The new parking lot will only add to the problems. You have stated that the project will not add more employees to the work force. This may be true, but it will temp more employees to drive to work (adding more cars to our streets) because there will be parking spaces available.
   Instead of building a parking lot, the project should include a program to get employees out of their cars and on to public transportation. Commuter check programs need to be part of the planning and expense of this project. Financial incentives must be large enough to make a difference, thus making the alternate form of transportation to work more attractive than driving alone in an automobile.
3. If building 49 is to be built and parking facilities are absolutely required, the building should include the parking lot in it – for those who use it. Your desire to dump all of the removed dirt required for this project into the canyon to build the parking lot may be economical, it is the wrong thing to do. The Labs location requires you to do better things than spoil the canyon and perhaps cause flooding in the community down slope from the Lab. The movement of trucks through the City streets is not desirable, but preferable to filling the canyon. If the Lab must plan for the cost of doing this and repairing any damage it may cause.

As I travel around Berkeley, meet and discuss Transportation issues with neighborhood activists, it has become very clear, most of the citizens of Berkeley to not object to the Lawrence Berkeley National Lab and UC Berkeley expanding. They do however object to the expansion when it ignores the effects of that expansion or modernization on our community.

When the Lab and UC begin to address the problems they are causing the City of Berkeley and its citizens, they will find a substantial part of the citizens supporting them, however, hard results are required.

I am a member of CENA (Claremont Elmwood Neighborhood Association). The Board of Directors has discussed the issue of UC Berkeley and Lawrence National Lab expansion and/or modernization projects in general. It has a standing policy to oppose any changes with respect to the physical facilities unless the effects on the neighborhood and the City's infrastructure are considered in the plan. This means doing things that will truly make an impact by reducing the amount of traffic in Berkeley.

I am also a member of the City of Berkeley's Transportation Commission. I will discuss your project with our Assistant City Manager for Transportation and possibly ask you to make a presentation to the Transportation Commission. Then have the Transportation Commission make a recommendation to the City Council concerning the Building 49 and the G-4 parking lot project.

Dean Metzger 7/11/2013

Dean Metzger
CENA – President
Transportation Commission – Chairperson

Nancy Rader & Dick Norgaard
1198 Keith Avenue
Berkeley, CA 94708
(510) 845-5359
nrader@igc.org / norgaard@socrates.berkeley.edu

July 8, 2003

Jeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road
Berkeley CA 94720

RE: Draft Focused, Tiered Environmental Impact Report
Construction and Operation of Building 49 and the G-4 Parking Lot

Dear Mr. Philliber,

We write as long-time Berkeley residents concerned about the unwise and unnecessary destruction of the remaining undeveloped eastern hills of Berkeley. It is these hills that give Berkeleyans refuge from the urban environment, just by looking up.

We are concerned that the above-referenced project will:

- bury roughly 300 (or more) linear feet of open creek with 2000 truckloads' of dirt;
- remove numerous Coast Live Oaks and other important riparian vegetation;
- obstruct a riparian corridor; and
- construct a new parking lot and thereby promote more vehicle use, traffic, and air pollution.

We urge you to reconsider the building site itself: it contains a grove of Coast Live Oaks, and is extremely steep -- that's why so many truckloads of dirt must be excavated. We ask that you work to commit LBNL to cleaning up and re-using sites currently available for building (i.e. not new open space), which would make this project unnecessary. Please consider reasonable alternative sites.

Thank you for considering our views and concerns.

Sincerely,

Nancy Rader

Dick Norgaard

cc:

Charles V. Shank
Director, Lawrence Berkeley National Laboratory

Ed Wylie and Calvin Fong
U.S. Army Corps of Engineers

Berkeley Daily Planet

Contra Costa Times and Berkeley Voice

Honorable Loni Hancock

Parking lot project

Subject: Parking lot project
Date: Tue, 08 Jul 2003 10:31:52 -0700
From: Gordon Becker <becker@cemar.org>
To: <JGPhilliber@lbl.gov>

Dear Mr. Phillber,

I'm writing in regards to the proposed parking lot project on the LBNL campus. I am not clear if e-mail can be used in the public comment process, so please let me know if I need to send a letter instead.

My comments regarding this project are simply:
I find it unacceptable for the federal and state governments to be sponsoring a project that involves filling a creek bed. Alternatives to adding cars to the LBNL campus must be found instead.

Please use the CEQA process to identify an environmentally superior alternative to the proposed project, one that does not involve the destruction of a precious watershed feature and its concomitant habitat and aesthetic values.

Thank your for the opportunity to comment on this project.

Gordon Becker
--
Gordon Becker
Environmental Scientist
Center for Ecosystem Management and Restoration
4235 Piedmont Ave. Oakland, CA 94611
Voice: 510-420-4565
Fax: 510-420-1345
email: becker@cemar.org

1 of 1 7/15/2003 9:41 AM

Re: Alert: STOP LBL/UCB PROPOSAL TO BURY CREEK, OAKS, AND WILDLIFE CORRIDOR!

Subject: Re: Alert: STOP LBL/UCB PROPOSAL TO BURY CREEK, OAKS, AND WILDLIFE CORRIDOR!
Date: Thu, 10 Jul 2003 12:34:22 -0700
From: "Gail Stewart" <deargail@earthlink.net> (by way of Beck Cowles)
To: JGPhilliber@lbl.gov, CVShank@lbl.gov, TPowell@lbl.gov

As a Berkeley citizen I oppose the filling in of the creek and valley for a parking lot for the new building. I urge alternative building sites on existing land. I will be looking for all opportunities for public input.
Gail Stewart

1 of 1 7/15/2003 9:41 AM

Subject: LBL proposed project in Strawberry Canyon
Date: Fri, 11 Jul 2003 16:25:26 -0700
From: Fujii.Laura@epamail.epa.gov
To: jgphilliber@lbl.gov

Hi Jeff,

I saw the article in the Berkeley Voice regarding the proposed expansion project -- Is LBL really proposing to fill a creek similar to mountaintop mining in the east? Looks like you will have your work cut out for you!!!!

I and my husband use Strawberry Canyon frequently and are very concerned with any adverse effects to the Canyon or open space around the LBL facility.

Please send any public information you have on the proposed project to:

Laura Fujii and Robert Wilkinson
1304 Albina Ave. #1
Berkeley, CA. 94706

You can also put us on your mailing list for this project. We would like to closely track what is happening.

Thanks! and good luck.

Laura Fujii
phone: 415-972-3852
fax: 415-947-8026
fujii.laura@epa.gov

CHARLES V. SHANK
DIRECTOR

July 11, 2003

Mr. Weldon Rucker
City Manager
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Dear Mr. Rucker:

Thank you for your July 2nd letter regarding the Notice of Preparation for the Lawrence Berkeley National Laboratory's Environmental Impact Report (EIR) on our proposal to construct a new office building and parking lot.

We have received many comments from Berkeley residents about this building proposal, and will continue to do so through the close of the scoping period on July 18. These comments will be considered as we prepare the draft EIR. In addition, there will be a 45-day comment period on the draft EIR after it is circulated for public and agency review later this year. Considering the time provided for comment, we do not believe it is necessary to extend the comment period for the Notice of Preparation.

We understand your interest in this project and we welcome any comments that the City has on this or any other Laboratory activities.

Sincerely,

Charles V. Shank

cc: Mayor and City Council
Arrietta Chakos, Chief of Staff
Grace Maguire, Assistant to the City Manager
Phil Kamlarz, Deputy City Manager/Interim Planning Director
Wendy Cosin, Deputy Planning Director
George Reyes, Division Director, Facilities, LBNL
Jeff Philliber, LBNL Environmental Planning Coordinator

ERNEST ORLANDO LAWRENCE BERKELEY NATIONAL LABORATORY | BERKELEY, CALIFORNIA 94720
TEL: 510.486.5111 | FAX: 510.486.6720 | E-MAIL: CVSHANK@LBL.GOV

7/13/03

Dear Mr. Phillber,

I am writing to express my strong opposition to LBNL's plan to fill in a creek, remove live oak trees & otherwise destroy a beautiful area in order to build a parking lot! Please do not allow this to happen. There are alternatives

Sincerely,
Julie Litwin
Julie Litwin, MPH
427 62nd St
Oakland, Ca 94609

7/13/03

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Sincerely,

Julie Litwin

Julie Litwin, MPH
427 62nd St
Oakland, Ca 94609

Subject: Concern - Proposed Lawrence Berkeley National Laboratory G4 Parking Lot
Date: Sun, 13 Jul 2003 18:13:57 -0700
From: "Pat Schwinn" <Pat.Schwinn@sdsupport.com>
To: <assemblymember.hancock@assembly.ca.gov>, <khl@rb2.swrcb.ca.gov>, <tjl@rb2.swrcb.ca.gov>, <JGPhilliber@lbl.gov>, <cfong@spd.usace.army.mil>, <cwylie@spd.usace.army.mil>, <opinion@berkeleydailyplanet.com>, <lwrenn@ectimes.com>, <CVShank@lbl.gov>
CC: <TPowell@lbl.gov>

We are concerned about the recent proposal by Lawrence Berkeley National Laboratory (LBNL) to create the G-4 parking lot by completely filling in a beautiful wildlife corridor valley with live oaks and an active creek with 2000 truckloads of earth from the excavation of another site. The proposal for this variance is part of an old long-range building plan, not the current plan that is underway. There are, some LBNL employees suggest, other sites that could be used for the office building--if they can be cleaned up. However, it is possible that they may be so contaminated that it would be safer to let them decay in place rather than remove them. We think any proposal from LBNL should consider the whole range of planned construction. It should also evaluate the impact on wildlife in the corridor and establish whether it is safe to continue construction on this site in a landslide area with limited access near an earthquake fault.

We would appreciate your support of investigation into alternative solutions.

Pat and Gregg Schwinn

7101 Hemlock Street, Oakland, CA 94611

Work 510-339-2669

Home 510-339-2666

A concern

Subject: A concern
Date: Mon, 14 Jul 2003 22:09:01 -0700
From: "Kian Stipp" <kianstipp@comcast.net>
To: <khl@rb2.swrcb.ca.gov>, <tjl@rb2.swrcb.ca.gov>, <JGPhilliber@lbl.gov>, <CVShank@lbl.gov>, <TPowell@lbl.gov>, <ewylie@spd.usace.army.mil>, <cfong@spd.usace.army.mil>, <opinion@berkeleydailyplanet.com>, <lwrenn@cctimes.com>, <assemblymember.hancock@assembly.ca.gov>

I recently recieved an email from a friend of my father's asking for help to spread the word about a seriously destructive project. His letter is attached and speaks best for itself. I am not the one who wrote this, I haven't even been able to enjoy the threatened area. I am a student here in Berkeley and this bothers me that first our nation can't support itself financially for reasons too disgusting to mention in this email, then the president takes us to a war we didn't ask for with money we don't have using information that was BS and now of all things a creek I've never been to is going to get filled using taxpayer's money? I mean seriously I think we all have more important things to do like help the president steal the next election and educating ourselves independently. Why on earth is it logical that we waste an ecosystem, to build a building so 5 years down the line we can have really well informed scientists that will want to help the environment but we can't even save a creek right next to LBL. Come together people, now is the time to be honest to ourselves and others and protect our natural resources. Doesn't anybody realize that not to long ago we were just a bunch of chipanzees hanging out in the trees and now because we have apposable thumbs straight backs with pain and oil we run the ecosystem? That's right, we do. So let us defend the rights of other life and stop being so selfish. Give a little respect to the planet that birthed us. She knows much more than we ever will write down in a pad of paper made out of trees and chlorine.

Kian Stipp
18 years old, CHSPE graduate and community college student and concerned American.

If I can care so can you.

1 of 1 7/15/2003 9:39 AM

Keep Cafeteria Creek

Subject: Keep Cafeteria Creek
Date: Mon, 14 Jul 2003 21:19:13 -0700 (PDT)
From: Rebecca Sutton <bok@theeel.com>
To: JGPhilliber@lbl.gov
CC: CVShank@lbl.gov, "" <TPowell@lbl.gov>, "" <khl@rb2.swrcb.ca.gov>, "" <tjl@rb2.swrcb.ca.gov>, "" <ewylie@spd.usace.army.mil>, "" <cfong@spd.usace.army.mil>, "" <assemblymember.hancock@assembly.ca.gov>

To Whom it May Concern:

As a Berkeley citizen and a user of LBNL facilities, I must object to recent plans to dispose of construction fill by filling in LBNL's Cafeteria Creek. Berkeley lost most of its creeks to construction culverts before 1900. Creeks which have survived this engineering are precious reservoirs for native plants, crucial habitat for native animals, and provide essential services such as water infiltration and purification. Cafeteria Creek is a valuable ecological resource, and destroying it to build a parking structure is simply unconscionable.

Thank you for your time.

Sincerely,

Rebecca Sutton
1548 Arch St
Berkeley, CA 94708

1 of 1 7/15/2003 9:39 AM

Subject: lbnl outrage
Date: Mon, 14 Jul 2003 10:03:43 -0700 (PDT)
From: jane eiseley <jeiseley2@yahoo.com>
To: lwrenn@cctimes.com
CC: assemblymember.hancock@assembly.ca.gov

July 14, 2003

Dear Berkeley Voice,

I moved to Berkeley a year and a half ago and have been happy here, especially because of the beautiful natural setting. I live at Strawberry Creek Lodge, which is a private senior housing project near University Avenue. One of the amenities which makes living in a small studio apartment more than tolerable is Strawberry Creek, which flows along the rear boundary of our property. Our rear garden is a treasure, with large trees and the sound of flowing water. Recently we have had a wonderful restoration of the creek bank habitat, featuring native shrubs and plants. A variety of birds inhabit the thickets along the creek and one day I saw a heron flying over our buildings. A few yards downstream is the City of Berkeley's Strawberry Creek park. Here the creek continues to be daylighted and provides a natural feature in a valuable recreational space, with a footbridge over the creek and facilities for picnics.

But, alas, there are also problems with the creek. One is water quality. The water is not safe, even for pets, and we do not know what pathogens may be flowing past our garden from leaking sewer lines and the University campus upstream.

A potentially more dramatic danger from the creek is posed by the winter rains. The creek flows through a culvert which ends at the upstream end of our garden. Sections of the culvert, built a century ago of non-reinforced concrete, have already collapsed. To our east, this culvert passes under several houses, and still further upstream, Strawberry Creek flows underground behind the Civic Center. When the rains come, we fear that this may be the year when the flood waters will undercut the bank and cause a collapse, either of the end of North Valley Street, or perhaps one of the houses that were built over the creek to our east. The City of Berkeley has thus far avoided responsibility for repairing the culvert while the neighbors and their insurers continue to seek a solution.

If LBNL is allowed to pave a valley which is part of Strawberry Creek's drainage, and remove trees and carve away a hillside next to the creek, what will happen when the rains come? Answer: the water that would have been held by the soil in the valley and the trees on the hillside will hurtle down into Berkeley, hastening the collapse of the culvert, deepening the creek bed, and undercutting the urban infrastructure along its course. And the water will be burdened with more dirt and more contaminants, making it a threat to humans, animals and birds.

lbnl comment

It is ironic that at the same time that citizens of Berkeley have been organising to improve and restore the creeks that flow through the city, LBNL has been planning to literally wash out these efforts by destroying a part of the drainage basin upstream.

Sincerely,

Jane Eiseley
1310 Addison Street
Berkeley 94702

510 548 0496

Stop the proposal to bury creek, oaks, and wildlife corridor

Subject: Stop the proposal to bury creek, oaks, and wildlife corridor
Date: Mon, 14 Jul 2003 01:27:20 EDT
From: KathrynSawyer3@aol.com
To: kht@rb2.swrcb.ca.gov, tjl@rb2.swrcb.ca.gov, assemblymember.hancock@assembly.ca.gov, opinion@berkeleydailyplanet.com, CVShank@lbl.gov, TPowell@lbl.gov, JGPhilliber@lbl.gov, ewylie@spd.usace.army.mil, cfong@spd.usace.army.mil, lwrenn@cctimes.com

Dear Sirs and Madams-

I am concerned about the recent proposal by Lawrence Livermore National Laboratory (LBNL) to create a parking lot by completely filling in a beautiful wildlife corridor valley with live oaks and an active creek with 2000 truckloads of earth from the excavation of another site. The proposal for this variance is part of an old long-range building plan, not the current plan that is underway. There are some LBNL employees suggest, other sites that could be used for the office building--if they can be cleaned up. However, it is possible that they may be so contaminated that it would be safer to let them decay in place rather than remove them. I think any proposal from LBNL should consider the whole range of planned construction. It should also evaluate the impact on wildlife in the corridor and establish whether it is safe to continue construction on this site in a landslide area with limited access near an earthquake fault.

Thank you for your consideration.
Sincerely,

Kathy Sawyer
6848 Ridgewood Dr.
Oakland, CA 94611

1 of 1 7/15/2003 9:40 AM

Subject:
Date: Wed, 16 Jul 2003 15:28:39 -0700
From: "quercus ***" <quercus40@hotmail.com>
To: jgphilliber@lbl.gov, cvshank@lbl.gov, tpowell@lbl.gov, khl@rb2.swrcb.ca.gov, tjl@rb2.swrcb.ca.gov, ewylie@spd.usace.army.mil, opinion@berkeleydailyplanet.com, lwrenn@cctimes.com, assemblymember.hancock@assembly.ca.gov

July 15, 2003

Jeff Philliber

Environmental Planning Coordinator

Lawrence Berkeley National Laboratory, MS 90K

One Cyclotron Road

Berkeley, California 94720

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Re: Comments on Notice of Preparation, Draft Focused, Tiered Environmentallmpact Report/Construction and Operation of Building 49 and the G-4 Parking Lot

Dear Mr. Philliber:

We are writing to express our strong opposition to the proposed project that will result in the filling of a portion of Cafeteria Creek, a tributary of Strawberry Creek. Filling of creeks to minimize construction costs and building parking lots in creeks are completely unacceptable in the year 2003. The City of Berkeley has a creek protection ordinance that is intended to protect the creeks in the City of Berkeley. Even if not bound legally by the ordinance, we expect that the University of California would want to be a respectful "resident" of the city by complying with the letter and spirit of the creek ordinance. We are dismayed that the University would even conceive of such a project.

We strongly encourage Lawrence Berkeley National Laboratory (LBNL) to select an alternative that does not involve the destruction of a hillside and a creek. Other sites/existing buildings within LBNL, on the UC Berkeley campus, or in the city of Berkeley may be more easily used (and will be less environmentally destructive) for the additional office space identified as needed by LBNL. Your proposal does not present any more compelling rationale for the proposed project than cost and convenience. Such arguments are no longer an adequate basis for the destruction of natural habitat areas. The need to dispose of 26,000 cubic yards of hillside in the cheapest, easiest way is no longer adequate rationale for filling wetlands.

Please rethink your proposal and abandon the preferred alternative. Your proposal is not the least environmentally damaging alternative and flies in the face of the California Environmental Quality Act (CEQA). We hope you will rethink this project and choose an environmentally acceptable alternative.

Sincerely,

1 of 2 7/16/2003 4:12 PM

Strawberry Creek Affinity Group

Fran Berges	Jane Eiseley
Nina Falk	Jane Kelly
Tom Kelly	Christopher Kroll
Bob Marsh	Patti Marsh
Fran Rachel	Eric Roberts
Carol Thornton	Christine Walter

Cc: Charles V. Shank/Director LBNL

Chancellor Robert Berdahl

Senator Don Perata

Assemblymember Loni Hancock

Keith Lichten/Tina Low/S.F. RWQCB

Ed Wylie/Calvin Fong/U.S. Army Corps of Engineers

Mayor Tom Bates/City Council

Berkeley Daily Planet

Contra Costa Times

Berkeley Voice

Subject: LBNL Destruction of Strawberry Canyon with too much building.
Date: Mon, 14 Jul 2003 23:46:15 -0700 (PDT)
From: Stephanie Manning <sfbayshellmounds@yahoo.com>
To: TPowell@lbl.gov

Dear Mr. Powell,

Please fight to save Strawberry Canyon from the planned overuse of this magnificent canyon by the University and LBNL. As longtime residents of Berkeley, we have many times gone for walks in the Berkeley Hills and enjoyed the riparian atmosphere of that whole region. It would be a shame to see it lost. Also, the destruction of habitat for the abundant wildlife in the creek area would be unforgiveable.

Please do whatever you can to save this beautiful resource.

Stephanie Manning
email: sfbayshellmounds@yahoo.com
ph.#(510)841-8562
address: 2107 Fifth Street, Berkeley, CA 94710

Therese Powell <TPowell@lbl.gov>
Community Relations Officer
Lawrence Berkeley National Laboratory
One Cyclotron Rd, MS 65A0101, Berkeley, CA 94720 tel: 510-486-4387

Subject: Creek to be buried by building project
Date: Tue, 15 Jul 2003 15:52:07 EDT
From: "bowmani" <bowmani@mymailstation.com>
To: JGPhilliber@lbl.gov

We write to object to the project being planned by U.C.B. and Lawrence Berkeley National Lab, leading to the disposal of surplus soil from a building site to bury a headwater of Strawberry Creek. The planners should be m ade to realize the enormity of this proposal and the animosity and severe resistance it will meet by citizens all over the Bay Area. Please do what you can to squelch Group, St. John's episcopal jChurch, Oakland, CA 94611. Members presen t at m eeting: T and M Bowman, B ane S Davidson, B. Moran, < A DeLauer, A. Machin, D. Loomos, M. Wilson

Subject:
Date: Wed, 16 Jul 2003 15:28:39 -0700
From: "quercus ***" <quercus40@hotmail.com>
To: jgphilliber@lbl.gov, cvshank@lbl.gov, tpowell@lbl.gov, khl@rb2.swrcb.ca.gov, tjl@rb2.swrcb.ca.gov, ewylie@spd.usace.army.mil, opinion@berkeleydailyplanet.com, lwrenn@cctimes.com, assemblymember.hancock@assembly.ca.gov

July 15, 2003

Jeff Philliber

Environmental Planning Coordinator

Lawrence Berkeley National Laboratory, MS 90K

One Cyclotron Road

Berkeley, California 94720

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Re: Comments on Notice of Preparation, Draft Focused, Tiered EnvironmentalImpact Report/Construction and Operation of Building 49 and the G-4 Parking Lot

Dear Mr. Philliber:

We are writing to express our strong opposition to the proposed project that will result in the filling of a portion of Cafeteria Creek, a tributary of Strawberry Creek. Filling of creeks to minimize construction costs and building parking lots in creeks are completely unacceptable in the year 2003. The City of Berkeley has a creek protection ordinance that is intended to protect the creeks in the City of Berkeley. Even if not bound legally by the ordinance, we expect that the University of California would want to be a respectful "resident" of the city by complying with the letter and spirit of the creek ordinance. We are dismayed that the University would even conceive of such a project.

We strongly encourage Lawrence Berkeley National Laboratory (LBNL) to select an alternative that does not involve the destruction of a hillside and a creek. Other sites/existing buildings within LBNL, on the UC Berkeley campus, or in the city of Berkeley may be more easily used (and will be less environmentally destructive) for the additional office space identified as needed by LBNL. Your proposal does not present any more compelling rationale for the proposed project than cost and convenience. Such arguments are no longer an adequate basis for the destruction of natural habitat areas. The need to dispose of 26,000 cubic yards of hillside in the cheapest, easiest way is no longer adequate rationale for filling wetlands.

Please rethink your proposal and abandon the preferred alternative. Your proposal is not the least environmentally damaging alternative and flies in the face of the California Environmental Quality Act (CEQA). We hope you will rethink this project and choose an environmentally acceptable alternative.

Sincerely,

1 of 2 7/18/2003 10:55 AM

Strawberry Creek Affinity Group

Fran Berges	Jane Eiseley
Nina Falk	Jane Kelly
Tom Kelly	Christopher Kroll
Bob Marsh	Patti Marsh
Fran Rachel	Eric Roberts
Carol Thornton	Christine Walter

Cc: Charles V. Shank/Director LBNL

Chancellor Robert Berdahl

Senator Don Perata

Assemblymember Loni Hancock

Keith Lichten/Tina Low/S.F. RWQCB

Ed Wylie/Calvin Fong/U.S. Army Corps of Engineers

Mayor Tom Bates/City Council

Berkeley Daily Planet

Contra Costa Times

Berkeley Voice

Subject: LBL/UCB proposal to bury Cafeteria Creek and valley
Date: Wed, 16 Jul 2003 16:51:29 -0700
From: "barbara beth" <bab_2123@hotmail.com>
To: JGPhilliber@lbl.gov

To: Jeff Phillibar, Environmental Planning Coordinator
Lawrence Berkeley National Laboratory;

I am appalled at the very idea of burying Cafeteria Creek and its valley for any construction project and destroying part of a hill. People have done enough damage to the environment and have destroyed most of the creeks in the Bay Area. When is this insanity going to stop. There are alternative sites. Please try cleaning up sites already used for buildings and use that for your project instead of contributing to the further destruction of natural open spaces where other species live.
Thank you.
Barbara Beth

EAST BAY
MUNICIPAL UTILITY DISTRICT

July 16, 2003

Jeff Philliber
Environmental Planning Group
Lawrence Berkeley National Laboratory
One Cyclotron Road, MS 90K
Berkeley, CA 94720

Dear Mr. Philliber:

Re: Notice of Preparation – Draft Focused, Tiered Environmental Impact Report
Construction and Operation of Building 49 & G-4 Parking Lot

The East Bay Municipal Utility District (EBMUD) appreciates this opportunity to comment on the Notice of Preparation (NOP) of the Draft Focused, Tiered Environmental Impact Report (EIR) for the Construction and Operation of Building 49 & G-4 Parking Lot. EBMUD has the following comments.

WATER SERVICE

The Lawrence Berkeley National Laboratory (LBNL) site area is served by EBMUD's Shasta Pressure Zone (PZ), that provides water service to customers within an elevation range of 900 to 1,050 feet, and the Berkeley View PZ that provides water service to customers within an elevation range of 1,050 to 1,250 feet. The LBNL site receives its water supply via a 12-inch meter in Campus Drive in the Shasta PZ and via a 6-inch meter in Summit Road from the Berkeley View PZ. In addition, Department of Energy (DOE), which owns the facilities and structures that comprise LBNL, also owns and maintains two 200,000-gallon storage tanks on site for emergency supply in the event of interruption of EBMUD's service. A third 200,000-gallon emergency tank is currently under construction. The existing distribution system supplies water for all laboratory uses and has sufficient capacity to meet the flow rate and duration requirements for both daily use and fire protection.

The proposed project provides office space for staff who already work at the LBNL under over-crowded conditions. No new employees would be added to LBNL's population as a result of the project, thus it would not cause a significant impact to the two existing EBMUD PZs that provide the area with its source water. Should there be a need for additional water service, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development.

375 ELEVENTH STREET . OAKLAND . CA 94607-4240 . (510) 835-3000

WASTEWATER

EBMUD's Main Wastewater Treatment Plant is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from this project, provided this wastewater meets the standards of EBMUD's Source Control Division. However, the City of Berkeley's and City of Oakland's Infiltration/Inflow (I/I) Correction Program set a maximum allowable peak wastewater flow from each subbasin within each City and EBMUD agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. EBMUD prohibits discharge of wastewater flows above the allocated peak flow for a subbasin because conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above this agreed limit. The developer for this project needs to confirm with the City of Berkeley and the City of Oakland's Public Works Departments that there is available capacity within each subbasin's flow allocation and that it has not been allocated to other developments. The projected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the subbasins and confirmation included in the EIR. Suggested language to include in the EIR is as follows: "The City of Berkeley Public Works Department has confirmed that there is available wastewater capacity within Subbasin *(insert subbasin number here)* for this project. In addition, the City of Oakland Public Works Department has confirmed that there is available wastewater capacity within Subbasin *(insert subbasin number here)* for this project."

In general, the project should address the replacement or rehabilitation of the existing sanitary sewer collection systems to prevent an increase in I/I. Please include a provision to control or reduce the amount of I/I in the environmental documentation for this project. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from these subbasins.

WATER RECYCLING

Although the proposed project is not located within the service area boundary of EBMUD's planned East Bayshore Recycled Water Project, the LBNL area is a potential site for EBMUD's Satellite Recycled Water Treatment Project. EBMUD is currently evaulating the feasibility of providing recycled water to sites through satellite or package recycled water treatment plants. EBMUD staff will contact the LBNL regarding EBMUD's Satellite Recycled Water Treatment Project.

WATER CONSERVATION

Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought. To help mitigate the impacts of additional water demands on EBMUD's finite water supply, EBMUD strongly recommends that water conservation measures for both internal and external use be incorporated in the design and construction of the proposed project. The District encourages the use of equipment, devices, and

methodology that furthers water conservation and provides for long-term efficient water use. EBMUD recommends the use of drought resistant plants, use of inert materials, and minimal use of turf areas. EBMUD also offers landscape plan review for new applicants.

The LBNL should also comply with Assembly Bill 325, Statewide Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490-495). EBMUD staff would appreciate the opportunity to meet with LBNL staff and review water conservation programs and best management practices applicable to the project area. A key objective of this discussion will be to explore timely opportunities to expand conservation via early beneficial use of EBMUD's conservation rebate program.

If you have any questions, please contact Marie Valmores, Senior Civil Engineer, Water Service Planning at (510) 287-1084.

Sincerely,

W. R. Kirkpatrick

WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning

WRK:OAH:dmw
ab03_213.doc

BERKELEY
Office of the City Manager

DRAFT

July 16, 2003

Mr. Jeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road
Berkeley CA 94720

Dear Mr. Philliber:

The City of Berkeley has received the Notice of Preparation (NOP) for the Focused, Tiered EIR for the Building 49 and G-4 Parking Lot Project at the Lawrence Berkeley National Laboratory (LBNL). The City of Berkeley appreciates the opportunity to review the material and to provide comment on issues that should be addressed in the EIR.

The NOP indicates that LBNL has proposed a new 6-story, 65,000 square foot office building to be located on the western side of the site, within the Berkeley city limits. According to the project description in the NOP, the space will be used as office space for up to 240 employees currently in overcrowded conditions, none new to the site. The proposed parking lot is located in a different portion of the site, and is proposed to range in size from 31,000 square feet (95 parking stalls) to 39,000 square feet (120 parking stalls). The NOP indicated that the parking lot site would re-use the soil removed for the construction of the new building.

The City of Berkeley has reviewed the NOP and has questions concerning potential environmental impacts that may not be adequately addressed as currently proposed for evaluation in the EIR. First, the NOP indicates that the proposed office building will not increase the population at LBNL, that there will be no substantial increase in traffic as a result, and that the traffic and traffic patterns would remain generally unchanged. However, the Notice also states that the parking lot would provide on-site parking for current employees who currently park in remote sites and use the shuttle to get to work. These additional trips would change the traffic and traffic patterns, and the impact of these additional trips needs to be further evaluated in the EIR. Further, the EIR should provide a more detailed analysis of the need for more parking at the LBNL site, including the number of parking spaces, number of employees, and details about the current efforts at transportation demand management and the promotion of alternatives to the single-occupant vehicle.

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981-7000 TDD: 510.981-6903 Fax: 510.981-7099
E-mail: manager@ci.berkeley.ca.us

DRAFT

Second, to provide an adequate analysis, the EIR should fully evaluate the proposed building as a new construction project, with all potential impacts evaluated fully. To say that there will be no new employees in the building does not necessarily adequately describe the future of a new six-story building, the use of which could change as time passes. A full analysis is required.

Third, the EIR should provide a full and detailed analysis of the environmental impacts of the proposed filling of the creek, as well as an evaluation of other alternatives to filling in the creek. Also addressed should be the requirements of the City's policies concerning the removal of Live Oak trees.

Fourth, the City of Berkeley is concerned that LBNL is proposing to tier off the Environmental Review prepared for the 1987 Long Range Development Plan, both because the information and data is quite dated at this point, and also because LBNL is planning a new, updated Long Range Development Plan in the very near future. This decision seems ill advised, and the City recommends that the project, and the EIR, be deferred until the new Long Range Development Plan is completed.

Thank you again for the opportunity to comment on the Notice of Preparation, and staff from the Planning Department will be happy to discuss these issues with you further, should you desire this.

Sincerely,

Weldon Rucker
City Manager

Cc: Honorable Mayor and Members of the City Council
Phil Kamlarz, Deputy City Manager/Interim Planning Director
Wendy Cosin, Deputy Planning Director

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981-7000 TDD: 510.981-6903 Fax: 510.981-7099
E-mail: manager@ci.berkeley.ca.us

Law Offices of
THOMAS N. LIPPE

329 Bryant Street
Suite 3D
San Francisco, CA 94107

Telephone: 415-777-5600
Facsimile: 415-777-9809
email: mwgraf@aol.com

July 16, 2003

Via Facsimile and
Overnight Mail Delivery
Jeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road
Berkeley, California 94720

Re: Comments on Notice of Preparation, Draft Focused, Tiered Environmental Impact Report re Construction and Operation of Building 49 and G-4 Parking Lot

Dear Mr. Philliber:

I am writing on behalf of the Urban Creeks Council, Center for Biological Diversity, Friends of Strawberry Creek and creek advocates of Live Oak Codornices Creek Neighborhood Association (collectively referred to herein as "Friends of Creeks") to provide comments on the Lawrence Berkeley National Laboratory's ("LBNL")Notice of Preparation, Draft Focused, Tiered Environmental Impact Report ("EIR") on the Construction and Operation of Building 49 and G-4 Parking Lot (the "Project.")

I. INTRODUCTION

Friends of Creeks strongly objects to this Project, which proposes to construct a parking lot over a creek and associated riparian and transitional habitat just south of Building 70A on the LBNL site (the creek and associated riparian vegetation will be hereinafter referred to as "Cafeteria Creek.")[1] The Project proposes to construct the G-4 parking lot over Cafeteria Creek in order to dispose of a minimum of 26,000 cubic yards of soil[2] that will be apparently produced by the construction of Building 49. The Notice does not formally acknowledge that it is proposing to fill

[1]The Notice does not name the creek(s) that will be filled in. The name Cafeteria Creek is based on the information provided that the Creek runs below and can be viewed from the LBNL cafeteria.

[2]For purposes of this Comment, Friends of Creeks will assume the Project as proposed will use approximately 26,000 cubic yards of soil. Friends of Creeks notes that the Project as described provides no assessment of the impacts of speculative additional development beyond this amount.

in a creek with regular flow of water for a substantial portion of the year. Instead the Notice simply refers to this area as two small "drainages."

This Project is a retrograde action harking back to the days when development paved over wetlands in the name of progress. Thankfully, in recognition of the numerous aesthetic and environmental benefits provided by riparian areas, our society no longer allows the alteration of these sensitive habitats merely because it is convenient do so. By way of comparison, this Project would be blatantly illegal under the local Berkeley Municipal Code § 17.08.050, which prohibits the fill or construction within 30 feet of a riparian area. Here, since convenience appears to be the prime motivating factor for this Project, LBNL should reconsider its approach.

LBNL should also consider that the Project as presently proposed ultimately stands little chance of being approved by either the Army Corps of Engineers or the Regional Water Quality Control Board. These agencies will not issue a permit to fill in a riparian area unless the project applicant can establish that there is no practicable alternative to the proposed discharge. 40 CFR § 230.10(a.)[1] Where the Project proposes a non-water dependent use (as in this case) practicable alternatives "are presumed to be available, unless clearly demonstrated otherwise." 40 CFR § 230.10(a)(3.) Since LBNL will eventually be unable to obtain the requisite permits from these agencies, Friends of Creeks believes it would be a better use of taxpayer money to develop an alternative to dispose of soil fill that will comply with applicable law and not have unnecessary, adverse impacts on Cafeteria Creek.

Finally, the Notice of Preparation ("Notice") for the Project, if proposed today in the form of a Draft EIR, would violate CEQA in a number of ways and thus should be reconsidered by LBNL prior to the preparation of further CEQA documents.

First, the Notice does not provide an accurate project description since it fails to point out the extent of the riparian vegetated habitat that will be eliminated. The Notice also fails to describe in adequate detail LBNL's desire to increase parking capacity and, in addition, incorrectly characterizes the proposed parking lot as consistent with the Lab's Long Range Development Plan EIR ("LRDP-EIR") when in fact, as discussed below, the destruction of riparian habitat in this canyon in order to increase parking capacity and vehicle trips to the lab is directly contrary to a number of principles set forth in LBNL's long range plan.

Second, the Notice does not provide an accurate environmental setting, since it describes Cafeteria Creek as a "small drainage" rather than a riparian area with substantial native vegetation and water flow for most of the year that would be protected under the local Creeks Ordinance,

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[1]Although not codified, the Regional Water Quality Control Board, San Francisco Bay Region, applies the regulatory standards adopted under Section 404 of the Clean Water Act (33 U.S.C. § 1344) in determining whether or not to issue a Section 401 water quality certification permit.

Berkeley Municipal Code § 17.08.050.

Third, the Notice fails to consider an adequate range of alternatives to filling in Cafeteria Creek. The Project does not assess the feasibility of a different site for Building 49 that would generate less soil, building design or construction methods that would generate less soil, or the feasibility of storing the soil at other locations on the LBNL property, or even other fill sites in the near vicinity. In addition, the Notice fails to provide any discussion of alternatives to developing a parking lot atop Cafeteria Creek such as whether a parking lot is necessary, or whether it could feasibly be placed elsewhere on the LBNL property with less environmental damage.

Fourth, the Notice fails to acknowledge that building a parking lot on top of Cafeteria Creek will have significant environmental impacts, which must be avoided under CEQA if there are any feasible alternatives that would avoid such impacts. The Notice implies that filling in the Creek is the only feasible option for disposing of soil fill, an assertion which lacks evidentiary support, defies common sense and appears wholly out of step with today's recognition of the value of creek habitats in the urban setting.

Fifth, the Project, which is proposed to be "tiered" on the 1987 LRDP-EIR, as subsequently amended , is in fact inconsistent with that LRDP in a number of ways. Indeed, a review of the LRDP-EIR reveals that the current proposal to fill in Cafeteria Creek has nothing to do with long range planning and everything to do with convenience and lack of imagination on the part of LBNL's planners. Since this Project appears to chart a new course for development on the LBNL site, LBNL would be required to develop and adopt a new programmatic review document prior to Project approval.

II. SPECIFIC COMMENTS ON THE PROJECT AND NOTICE OF PREPARATION

A. THE PROJECT AS PROPOSED WOULD NOT BE APPROVED BY THE ARMY CORPS OF ENGINEERS OR THE REGIONAL WATER QUALITY CONTROL BOARD

The proposal to fill in Cafeteria Creek would not meet the Army Corps of Engineers regulations for granting a Section 404 permit, nor the California Regional Water Quality Control Board, San Francisco Bay Region's standards for issuing a Section 401 permit, since LBNL will not be able to establish that there is no other possible alternative to filling in Cafeteria Creek with excess soil fill.

Both the Corps and the Regional Board apply essentially the same standard, based on Section 404(b)(1) of the Clean Water Act (33 U.S.C. § 1344(b)(1)) and implementing regulations, in determining whether to approve a permit to fill in a riparian area. Under Section 404, the agencies will not issue a permit "if there is a practicable alternative to the proposed discharge which would

have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." 40 CFR § 230.10(a). "Where the activity associated with a discharge which is proposed for a special aquatic site (as defined in subpart E) does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (i.e., is not "water dependent"), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise." (40 CFR § 230.10(a)(3.)) (emphasis added.)[4]

Here, neither the disposal of soil fill (the asserted Project purpose) nor the construction of the parking lot (an unstated Project purpose) is in any way "water dependent." Thus, the Corps and the Regional Board will presume, absent definite contrary evidence, that practicable alternatives are available. "In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise." 40 CFR § 230.10(a)(3). *Sylvester v. USCOE*, 882 F. 2d 407, 408 (9th Cir. 1989). In sum, the applicant bears a heavy burden of demonstrating that no less damaging practicable alternatives exist.[5]

As discussed above, the Project purpose stated in the Notice – disposal of soil fill – clearly can be met by other less damaging alternatives than filling in the natural riparian habitat that comprises Cafeteria Creek. Since there are feasible alternatives to filling in the creek to construct a parking lot, LBNL would be better served applying its resources to developing these alternatives, rather than commencing a long CEQA process on a project that will ultimately be denied by these agencies. LBNL should be aware that Friends of Creeks would intend to participate and object to LBNL's proposal in those administrative processes as well as in this CEQA process.

B. THE PROJECT AS PROPOSED VIOLATES CEQA

The Notice of Preparation ("Notice") for the Project also does not comply with the requirements of the California Environmental Quality Act ("CEQA.") The remainder of the

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[4]For purposes of comparison, the Section 404 regulations are similar to CEQA, which requires LBNL to adopt feasible alternatives that avoid significant environmental impacts. *See* Pub. Res. Code § 21002. The 404 regulations implicitly assume that the filling in of a creek is a significant impact, that is not permitted absent a showing by the applicant of no feasible alternative. These laws, as well as the Berkeley Creeks Ordinance, Berkeley Municipal Code § 17.08.050, represent substantive standards for protecting the type of riparian waterways proposed to be filled in this case.

[5]An alternative is defined as "practicable" if it "is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes." 40 CFR § 230.10(a)(2) (emphasis added). *Sylvester v. USCOE*, 882 F. 2d 407, 408 (9th Cir. 1989).

comments in this section will focus on the legal inadequacies of the Notice, were it to be presented as a Draft EIR for the proposed Project.

CEQA's fundamental policy is that all public agencies "shall regulate such activities so that major consideration is given to preventing environmental damage." *Laurel Heights, supra,* 47 Cal.3d at 390; Pub. Res. Code § 21000(g). The "primary means" by which the legislative goals of CEQA are achieved is the preparation of an EIR. *Laurel Heights, supra,* 47 Cal.3d at 392; Pub. Res. Code §§21080(d), 21100, 21151; 14 Cal. Code Regs. ("CEQA Guidelines") §15080. The EIR has been described as "an environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." *Laurel Heights, supra,* 47 Cal.3d at 392; *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810. An EIR is intended to serve as "an environmental full disclosure statement." *Rural Land Owners Assn. v. City Council of Lodi* (1983) 143 Cal.App.3d 1013, 1020.

CEQA is also designed to inform decision makers and the public about the potential, significant environmental effects of a project. CEQA Guidelines § 15002(a)(1). An EIR must include a description of the physical conditions in the vicinity of the project at the time environmental analysis commences. CEQA Guidelines § 15125. This environmental setting will normally constitute the baseline physical conditions by which the lead agency determines whether an impact is significant. *Id. See also Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal. App. 4th 892, 915-916; *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal. App. 3d 350, 357.

Aside from evaluating a proposed project's environmental impacts, a third important purpose of the EIR is to identify mitigation measures and alternatives to the project which may reduce or avoid the project's significant adverse impacts, thus accomplishing CEQA's basic statutory goals. *See Laurel Heights, supra,* 47 Cal.3d at 400-403; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; Pub. Res. Code §§ 21002.1, 21100. This analysis of feasible mitigation measures and a reasonable range of alternatives is crucial to CEQA's substantive mandate that significant environmental damage be substantially lessened or avoided where feasible. Pub. Res. Code §§ 21002, 21081, 21100; CEQA Guidelines § 15002(a)(2) and (3).

The EIR process also serves a fourth fundamental purpose – that of informing the public and fostering public participation, resulting in official accountability. *Laurel Heights I, supra,* at 392, 404-405. CEQA requires government agencies to disclose to the public the reasons why they have approved a particular project if it will result in significant adverse environmental effects. CEQA Guidelines § 15002(a)(4). "The EIR process protects not only the environment but also informed self-government." *Laurel Heights I, supra,* at 392. Consequently, the California Supreme Court has repeatedly recognized that the EIR process is "the heart of CEQA." *Laurel Heights I, supra,* at 392; *Laurel Heights Improvement Assn. v. University of California* ("*Laurel Heights II*" (1993) 6 Cal.4th 112, 1123.

Here, the Notice for the Project fails to satisfy many of these underlying purposes of CEQA. Specifically, the Notice (1) fails to provide an accurate Project description; (2) fails to accurately describe the environmental setting in which the Project will occur; (3) fails to consider or adequately discuss certain alternatives to the Project; (4) incorrectly assumes that impacts of filling in Cafeteria Creek can be mitigated to insignificance; and 5) is inconsistent with the 1987 LRDP-EIR, the programmatic document to which this Project ostensibly tiers.

1. The Project Description Is Inadequate

CEQA requires that the environmental review document contain a full and accurate description of the proposed project. *See e.g Mira Monte Homeowners Assn. v. County of Ventura* (1985) 165 Cal. App.3d 357, 366; *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal. App.3d 818, 829-831; *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185; 14 Cal. Code Reg. § 15124.[5] As the *County of Inyo* court noted:

> Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e. the "no project" alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.

71 Cal.App.3d at 192.

a. The Project Description is Inadequate Because the Notice Does not Acknowledge a Primary Purpose of the Project.

The Notice states that the proposed Building 49 would "decompress" existing staff but that "no new employees" would be added to LBNL's population as a result of this proposed Project. " (Notice, p. 2.) The Notice states that the purpose of the G-4 Parking Lot is intended to "reuse the soil that would be generated by the proposed Building 49 in a way that is productive, cost-effective, and minimizes environmental impacts to LBNL's neighbors and surrounding community." (*Id.*)

The Project description does not acknowledge that a primary purpose of the Project is to

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[5] *See also Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal. App. 4th 1344; *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal. App. 4th 182, 201; *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal. App. 4th 351, 369-370; *Sacramento Old City Assn. v. City Council, supra,* 229 Cal. App. 3d at 1023; 14 Cal. Code Reg. § 15378(a.)

increase parking capacity at LBNL, which would allow for increased single occupancy vehicle trips to the Lab. The Notice states that the G-4 parking lot would "help address a shortage of available parking spaces at LBNL" but does not state whether or not this is a "purpose" of the Project. Thus, the remainder of the Notice does not consider alternatives to creating more parking, the feasibility of parking in other areas on the LBNL site besides on top of Cafeteria Creek, or whether it is consistent with the 1987 LRDP-EIR for LBNL to construct additional parking facilities that will increase single occupancy vehicle traffic to the Lab, at the expense of native riparian habitat in this area (*see* Discussion below.)

The Project's failure to acknowledge that a purpose of this Project is to increase parking at LBNL results in a Notice which does not provide any detail on 1) whether it is consistent with the LRDP for LBNL to be increasing parking on the site; 2) whether there is a need for increased parking given the alternatives to single occupancy vehicle traffic that have been developed; 3) whether, assuming such parking were necessary and consistent (which Friends of Creeks does not believe to be true), there are alternative sites on the LBNL property that would not destroy a native riparian area.

Without a realistic description of the Project purposes and alternatives available, the Notice fails as a document of public accountability and thus violates CEQA. *See Laurel Heights, supra,* 47 Cal. 3d at 392 ("Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.")

b. The Project Description is Inadequate Since it Substantially Underestimates the Creek Area Being Filled by the Parking Lot.

The Notice describes "Drainage A", which would be filled by the parking lot, as an "approximately 250 foot long intermittent channel, comprising about 0.02 acres." The Notice also describes a second drainage that is 300 foot long, which apparently adds 0.01 acres to the total amount of "jurisdictional water bodies" that will be filled in.

Friends of Creeks objects to this piecemealing approach in describing the actual impacts of the parking lot Project. The Notice does not provide any information as to how these areas were calculated but the inference is that LBNL calculated only the area of the water channel - and not the surrounding riparian corridor delineated by riparian vegetation. Since the destruction of this habitat substantially contributes to the significant impacts in this instance, it is entirely disingenuous for LBNL to claim it is only disturbing 0.02 to 0.03 acres of wetland drainage. For example, in one were to characterize "drainage A" as 20 feet wide to include riparian vegetation, than the 250 foot stretch described would equal 0.11 acres, over 5 times the amount of the "disturbed" area described in the Notice. Friends of Creeks notes that local law requires a 60 foot buffer zone to protect local creeks

from development (30 feet from the creek center line). (*See* Berkeley Municipal Code § 17.08.050.) A 250 foot stretch of 60 foot buffer zone would be an area of 0.35 acres, over 17 times the amount represented to be destroyed by the parking lot project. (.35/.02 = 17.5.) Since this entire interconnected area will be eliminated by the parking lot, LBNL must present this information to the public in order to convey the magnitude of the environmental impact that will occur.[7]

c. The Project Description is Inadequate Because the Project is Inconsistent with the 1987 LRDP-EIR

The Notice implies that the G-4 parking lot proposal is consistent with the 1987 LRDP-EIR and subsequent amendments:

> While the proposed parking lot would reduce the forested and riparian vegetation in a portion of this overall buffer area, it would continue to preserve views, consistent with the buffer zone, by avoiding construction of tall or obstructing structures. The proposed Project would implement all applicable 1987 LRDP- EIR, as amended, mitigation measures.

This statement does not describe the likely inconsistency with this Project and the 1987 LRDP-EIR, as amended including 1) development of a parking lot in this canyon; 2) removal of large, mature native trees; 3) elimination of sensitive riparian habitat; 4) violation of local Berkeley law regarding creek protection; and 5) reliance on increase parking capacity and increase vehicular traffic to meet transportation needs rather than car pooling and shuttle services. (*See* Discussion, Section II.B.5.)

By giving the public a false impression that this Project is consistent with past environmental documentation for development of the LBNL site, the Notice fails to provide full disclosure of the new direction being taken by LBNL with this Project, in violation of CEQA. *Rural Land Owners Assn. v. City Council of Lodi, supra,* 143 Cal.App.3d at 1020.

2. The Notice's Description of the Environmental Setting Is Inadequate

CEQA requires that the EIR contain a full description of the environmental setting in which the project will occur. 14 Cal. Code Reg. § 15125; *San Joaquin Raptor v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722-723. In *San Joaquin Raptor*, the court held:

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[7]State regulations define a "stream" as including watercourses having a surface or subsurface flow that supports or has supported riparian vegetation. 14 Cal. Code Reg. § 1.72. The Department of Fish and Game has interpreted this language pursuant to its authority under Fish and Game Code § 1603(c) to mean that, for purposes of impact assessment, a stream area shall include the entire riparian vegetated corridor.

> [T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal. App.3d 818, 829. The error is prejudicial "if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App.3d 692, 712.)

Id. at 721-722

A central purpose for describing the environmental setting is to establish the baseline physical conditions by which a lead agency determines the need for a project and whether a project impact is significant. As discussed below, the environmental setting is also crucial for an agency's discussion of the "no project alternative" since, if the environmental setting is mischaracterized, the impacts or consequences of the no project alternative will be inaccurate. *Planning & Conservation League v. Department of Water Resources, supra,* 83 Cal. App. 4th 892, 911 ("CEQA requires that the no project alternative discussed in an EIR address "existing conditions" as well as "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services .")

a. The Environmental Setting Mischaracterizes the Habitat that Would be Destroyed by the G-4 Parking Lot.

The Notice describes the creek area to be filled in as two "drainages," fed by storm drains, "the majority of which is unvegetated." This misleading description allows LBNL to assert, elsewhere in the document, that the elimination of this habitat in favor of a parking lot will have no significant impacts on the environment.

In fact, these "drainages" include riparian corridors of native vegetation and habitat for wildlife such as deer or bird species. (*See* 14 Cal. Code Reg. § 1.72 (stream "includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.")) Were this a draft EIR, Friends of Creeks would provide photographic and authenticated declarative testimony to this effect. The area to be filled by the parking lot includes several coast live oaks, supports considerable bird life, and is threaded with deer paths.

It appears from a careful reading of the Notice that LBNL is attempting, for purposes of describing the environmental setting and potential impacts, to separate the actual creek channel - through which water flows - from the adjacent and upland vegetation that moves from strictly riparian species to transitional oak and bay into open grasslands. This approach appears designed to mask the actual environmental impacts of the Project, by fragmenting the description of the

environment that will be eliminated into separate parts, when in fact they comprise a continuous gradation of habitat that will be entirely lost as a result of this ill-conceived Project. This approach clearly violates CEQA and should be discarded. *See San Joaquin Raptor v. County of Stanislaus, supra,* 27 Cal. App. 4th at 722-723 (" The error is prejudicial if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process.")

b. The Notice Does Not Provide Accurate or Relevant Information on the No Project Alternative that Would be Required for a Draft EIR

As discussed above and below, the Notice provides little to no discussion regarding the need for more parking facilities at LBNL except to state that there are more employees than parking spaces. This statement does not address or describe the current environmental setting regarding the success or failure of ridesharing, car pooling, shuttle or other non-single occupancy vehicle options. In addition, the Notice provides little to no discussion regarding the availability on the LBNL site for depositing excess soil fill that would avoid filling in riparian habitats protected under local, state and federal law.

Without a thorough description of these versions of the no project alternative, any Draft EIR based on this Notice would be inaccurate and inadequate. As stated by the Appellate Court in *Planning & Conservation League, supra*:

> A no project description is non-evaluative. It provides the decision makers and the public with specific information about the environment if the project is not approved. It is a factually-based forecast of the environmental impacts of preserving the status quo. It thus provides the decision makers with a base line against which they can measure the environmental advantages and disadvantages of the project and alternatives to the project.

83 Cal. App. 4th at 913.

As discussed below, LBNL may select a range of other alternatives to the components of this Project in order to avoid the significant impacts of filling in a natural riparian area in order to construct a parking lot. However, the feasibility of these alternatives can only be assessed in a meaningful way if the City and the public are presented with an accurate account of the baseline against which they can measure the environmental advantages and disadvantages of the Project and alternatives to the Project. Since the Notice fails to present this information accurately, its consideration of the no project alternative would be inadequate if considered as a Draft EIR.

3. The Notice Fails to Consider an Adequate Range of Alternatives to the Proposed Project.

A principal purpose of the EIR is to identify mitigation measures and alternatives to the project which may reduce or avoid the project's significant adverse impacts, thus accomplishing CEQA's basic statutory goals. *See,* Laurel Heights I, *supra,* 47 Cal.3d 376, 400-403; *Citizens of Goleta Valley v. Board of Supervisors, supra,* 52 Cal.3d at 566; *Save San Francisco Bay Ass'n v. San Francisco Bay Conserv. & Dev. Comm'n* (1992) 10 Cal.App.4th 908, 919; 14 Cal. Code Reg. § 15126.[8]

Here, the Notice fails to consider adequately alternatives to 1) constructing a building that produces a substantial amount of fill material; 2) disposing the excess soil on top of a creek and riparian waterway; 3) constructing a parking lot on top of a creek to allow for single occupancy vehicle use by lab employees.

a. The Notice Does Not Assess Alternatives to Constructing as Building that Will Produce at least 26,000 Cubic Yards of Soil

The Notice assumes that at least 26,000 cubic yards of soil will be generated by construction of Building 49, but does not assess alternatives to this part of the Project. While the Notice does not provide sufficient information for a detailed analysis, it is clear that the high amount of soil is due to the steep slope on which this building will be constructed. Given that LBNL believes that it is necessary to fill in Cafeteria Creek with the fill soil that would be produced by this construction, it is necessary for LBNL to consider 1) the no project alternative for this construction, including a discussion of why this building is necessary; 2) why this building can not be built in other areas of the LBNL property, on flatter or more environmentally acceptable terrain that does not require tearing into a hillside; and 3) whether alternative design specifications or construction methods could potentially generate a lower amount of soil fill than the 26,000 cubic yards currently envisioned.

b. The Notice Does Not Describe in Any Meaningful Detail Alternative Methods or Sites for Disposal of Soil Fill

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[8]The requirement that EIR's identify and discuss alternatives to the project stems from the fundamental statutory policy that public agencies should require the implementation of feasible alternatives or feasible mitigation measures to reduce the project's significant environmental impacts. Pub. Res. Code § 21002. Here, filling in Cafeteria Creek will cause significant environmental impacts, as discussed *infra.* In addition, an agency must consider a reasonable and relevant range of alternatives to a project, whether or not the impacts of the project are considered significant. *See e.g., Friends of the Old Trees v. Department of Forestry & Fire Protection* (1997) 52 Cal. App. 4th 1383, 1395 ("We accept the Department's concession that a legally sufficient modified THP must include some consideration of feasible alternatives even if the project's significant environmental impacts will be avoided through mitigation measures.") 1.

The Notice sets forth alternative methods or sites for disposal of the 26,000 cubic yards thought to be produced by this Project but does not describe these alternatives in sufficient detail for any member of the public to understand whether or not such alternatives are feasible. In addition, the Notice does not discuss alternatives of disposing soil at other building sites in Berkeley or other nearby localities rather than shipping to a waste disposal facility.

Assuming, as the Notice asserts, that a primary purpose of the Project is to dispose of 26,000 yards of soil, Friends of Creeks finds it frankly remarkable that the first and preferred alternative considered by LBNL is to fill in a riparian watershed with native vegetation and strong wildlife and habitat values. It is inconceivable that areas could not be found on the LBNL site to place 26,000 cubic yards of soil that would be feasible without significant impacts on the environment. Thus, Friends of Creeks makes this comment with the proviso that LBNL should not only consider, but also choose, a different alternative for soil disposal, to the extent it is necessary.

c. The Notice Does Not Describe Alternatives to Constructing a Parking Lot in the Proposed Location

The Notice does not propose the establishment of a parking lot as a purpose of the Project and thus LBNL may not rely on such a purpose to justify this Project. (*See* Discussion, II.B.1, *supra.*) Were LBNL to assert that other Project alternatives do not provide the parking needed by LBNL, LBNL would be required to assess the feasibility of 1) maintaining the existing transportation options for LBNL employees; 2) increasing transportation options that do not rely on single occupancy vehicle traffic; and 3) locating parking facilities elsewhere on the LBNL site besides on top of a sensitive riparian area.

At this stage, there is inadequate information for Friends of Creeks to analyze whether such options would be feasible. To the extent such options were in any way feasible, they would be consistent with the policies set forth in the 1987 LRDP-EIR, as amended. In contrast, as discussed below, the present proposal appears to be blatantly inconsistent with these policies. Further, Friends of Creeks notes that the amendments to the 1987 LRDP-EIR confirm that vehicle traffic to the lab is substantially lower than predicted based on LBNL's adoption of alternatives to single occupancy vehicle traffic such as car pools or shuttle services. (*See* 1997 SEIS Addendum, p. III-I-2.) The irony of the present proposal is that LBNL appears ready to dispense with the progress made over the last 15 years, thereby increasing vehicular traffic and air pollution, while at the same time destroying a sensitive riparian habitat, merely because it is unable to come up with an alternative plan to dispose of dirt.

4. The Notice Fails to Acknowledge that Filling in Cafeteria Creek Will Have Significant Impacts on the Environment.

The primary purpose of an EIR is to provide public agencies and the public alike with

detailed information about the effect a project is likely to have on the environment, to list ways significant effects might be minimized, and to indicate alternatives to the project. Pub. Res. Code §§ 21002, 21002.1(a), 21061, 21100, 21150. Accordingly, an EIR must identify and analyze all direct and indirect potentially significant environmental impacts of a project. Pub. Res. Code § 21100(b)(1); CEQA Guidelines § 15126.2(a). A significant environmental effect is "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." CEQA Guidelines 15382.

Here, the Notice fails to acknowledge that building a parking lot on top of Cafeteria Creek will have significant environmental impacts, which must be avoided under CEQA if there are any feasible alternatives that would avoid such impacts. Pub. Res. Code § 21002. For purposes of environmental review, LBNL should consider the impacts that will occur to Cafeteria Creek as significant for three reasons. First, as a factual matter, the Project proposes to eliminate from 250 to over 500 feet of a native riparian corridor, which is a significant impact based on the scarcity and value to wildlife of these habitats in the East Bay hills. Second, a number of impacts that will occur in this Project are listed as significant under the 1987 LRDP-EIR, as amended. Third, the standards applied to filling in a watercourse by the Army Corps and the Regional Water Quality Control Board show that these agencies treat the filling in of watercourses as a significant impact that must be avoided if possible.

a. The Project's Elimination of Native Riparian Corridor is a Significant Impact Based on the Scarcity and Value to Wildlife of these Habitats in the East Bay Hills.

The Project will eliminate a riparian corridor and associated native vegetation that form valuable wildlife habitat in the area. These areas are extremely rare in the East Bay hills, both due to the climate and due to past alterations that have filled in or eliminated numerous creek habitats. The Notice refers continually to the "small" area affected but as discussed above, this area may be considerably larger if one considers the associated riparian habitat. Moreover, CEQA law is clear that small incremental impacts may well be significant where they are related to other past, present and foreseeable impacts on the resource in question. In this case, LBNL proposes to cover and culvert the last stretch of these drainages that occur as natural tributaries to Strawberry Creek. Certainly these related and combined impacts, in eliminating the natural functioning of these tributaries forever, are significant. *See Communities For a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 117 (3rd District Court of Appeal rejects the concept of "de minimis" cumulative impacts by noting that this concept would "turn cumulative impact analysis on its head by diminishing the need to do a cumulative impact analysis as the cumulative

impact problem worsens.")[9]

The Notice states that these impacts will be considered potentially significant, but elsewhere states that these impacts can be mitigated through the permitting process with the Army Corps, the Regional Board and the Department of Fish and Game. (Notice, Checklist p. 5.) As discussed above, these agencies will apply a strict standard requiring no feasible alternative prior to permit approval. (*See* Section II.A, *infra*.) Mitigation will only be available if the Project can meet this standard, which is highly doubtful given that the Project purpose is to dispose of excess soil. Nor would mitigation through wetland creation be appropriate in this situation. Were LBNL to proceed with this Project into the Draft EIR stage, Friends of Creeks intends to submit documents showing that it would not be feasible to recreate the type of riparian habitat proposed to be eliminated due to the uniqueness of topography, hydrology and long term development of vegetation that has led to the development of this habitat.

b. The Impacts that will Occur in this Project are Significant under the 1987 LRDP-EIR

The 1992 supplement to the 1987 LRDP-EIR states that the impacts of loss of mature trees and areas with habitat value for wildlife are potentially significant, but will be mitigated by 1) minimizing the removal of native trees and shrubs and " wherever possible" avoiding the removal of large coast live oak, California Bay and Monterey pine trees; and 2) minimizing human activity and encroachment in sensitive and undisturbed riparian areas. (1992 SEIR, p. 1-18.)

Here, these mitigation measures will not be carried out since this Project will remove large trees and not only encroach upon, but actually eliminate a substantial portion of this riparian area and associate upland vegetation. Thus, the impacts from this Project will be significant according to LBNL's own long range CEQA documentation.

c. The Co-permitting Agencies Army Corps of Engineers and the Regional Water Quality Control Board will Treat the Impacts from this Project as Significant

As discussed above, the Army Corps of Engineers and the Regional Water Quality Control

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[9]*See Id.* at 114 ([T]he full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources"); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720-721 ("We find the analysis used in the EIR and urged by GWF avoids analyzing the severity of the problem and allows the approval of projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling. Under GWF's 'ratio' theory, the greater the overall problem, the less significance a project has in cumulative impacts analysis. ")

Board apply a standard to the elimination of wetland habitat that requires an applicant to establish that there is no other feasible option. (*See* Section II.A, *infra*, 33 U.S.C. § 1344; 40 CFR § 230.10(a.)) This standard is similar to the CEQA standard which requires an agency to adopt feasible mitigation in order to avoid any significant impacts identified through its environmental review process. *See e.g.*, Pub. Res. Code § 21002. Thus, whether or not LBNL considers the loss of this habitat to be a "significant impact" for purposes of CEQA review, it will be required, at the least, to meet an equivalent of CEQA's standard for avoiding significant environmental impacts when it applies for permits from these agencies.

5. The Project as Proposed is Inconsistent with the 1987 LRDP-EIR and Subsequent Amendments

The Notice states that the Project will be reviewed for consistency with the 1987 LRDP-EIR, as subsequently amended, and will implement all applicable mitigation measures identified in the long term plan. In fact, however, the Project is inconsistent with LBNL's long range plan in a number of ways. Indeed, a review of the LRDP-EIR reveals that the current proposal to fill in Cafeteria Creek has nothing to do with long range planning and everything to do with convenience and lack of imagination on the part of LBNL's planners.

The 1987 LRDP-EIR, as amended, represents the programmatic direction for LBNL, until it is replaced by a new programmatic document. To the extent that this Project represents a new direction for LBNL by 1) destroying native habitats; 2) developing parking facilities; and 3) developing sensitive riparian environments, LBNL would be required to prepare a new programmatic review document to assess the cumulative impacts of this new direction before it could approve this project specific EIR.

a. The Project Allows for Avoidable Impacts to Sensitive Habitat in the Cafeteria Creek Riparian Corridor

The 1987 LRDP-EIR states the following policies that are relevant and applicable to the impacts of the proposed Project on the riparian habitats that will be eliminated by the parking lot.

- focus proposed development on existing built up, core areas of the site that are already highly modified and developed;
- Minimize removal of native trees and shrubs; wherever possible, the removal of large coast live oak, California Bay and Monterey pine trees will be avoided;
- Human activity and encroachment in Blackberry Canyon will be minimized. The only remaining areas of relatively undisturbed habitat on-site occur in the lower reaches of Blackberry Canyon ...Since no further developments are proposed in this

area, no loss of habitat will occur.

(*See* 1987 LRDP-EIR, pp. F-32--F-34)[10]

Here, the Project does not appear in any way to "minimize" the removal of native vegetation, much less avoid "wherever possible" the removal of large trees. Moreover, the 1987 LRDP states that impacts would be significant where undisturbed habitat, such as found in Blackberry Canyon, were to be encroached upon. Here, the Project proposes to replace the native habitat in the Cafeteria Creek area with a parking lot!

b. The Project Increases Single Occupancy Vehicle Traffic Without Discussing the Effectiveness of Past Mitigation

The 1987 LRDP-EIR states the following policies that are relevant and applicable to the likelihood that the proposed Project will increase vehicle trips to the lab.

- Establish transportation goals which will result in a reduction in the number and percentage of single occupant automobiles being driven to and from LBL;
- Assign a transportation planner to coordinate the design and implementation of transportation system management ("TSM") programs, including work with RIDES for Bay Area commuters, Berkeley TRIP and local transit districts to establish and promote alternatives to single occupant travel modes;
- Promote car pools by creating a carpool matching program. Coordinate this program with RIDES and Berkeley TRIP by periodically obtaining requests for carpool information;
- Develop a vanpooling program, utilizing the resources of RIDES and Berkeley TRIP for promotion and implementation;
- Promote the TSM programs by giving orientation briefings to new employees, providing information aides to be distributed to LBNL employees, organizing an information center, and sale of transit tickets on-site at LBNL;
- Develop and annual monitoring program to evaluate the program in relation to established goals and identify new elements which should be added to the program;
- review LBNL shuttle service and transit interface facilities for improvements where

[10]These policies are readopted in the 1992 amendments. (*See* 1992 Amendment, p. I-18, Table 1-1.)

appropriate;

- Review bicycle routes and storage facilities for improvements where appropriate.

(*See* 1987 LRDP-EIR, pp. F-19-F-20)

These policies set forth in the 1987 LRDP-EIR and 1992 SEIS are not even discussed in the Notice, which instead simply assumes that there is a "parking shortage" which can be alleviated by building a large parking lot. The Project does not consider the fact that the LRDP assumed that parking at LBNL would be in short supply and that the long term plan for the lab was to encourage a progressive approach to minimize the need for single occupancy vehicle traffic by promoting ride shares, public transportation and the development of an LBNL shuttle service. LBNL's own CEQA documents demonstrate that the TMS programs have exceeded LBNL's own expectations in minimizing vehicular traffic to the lab. Instead of building on the success of this firm policy direction, however, this Project charts a new course based on increasing parking capacity as a convenient way to dispose of excess soil fill. Since this approach is directly contrary to the policies of the LRDP, it should be reconsidered prior to further development.

c. The Project Conflicts with Local Law Preserving Creeks

The 1987 LRDP-EIR states that "the plan is consistent with policies of local government agencies." (*See* 1987 LRDP-EIR. p. F-11.) However, as discussed above, the proposal to fill in Cafeteria Creek would be prohibited by the local Berkeley Creek Ordinance (codified at Berkeley Municipal Code § 17.08.050, which prohibits the fill or construction within 30 feet of the center line of a creek. Friends of Creeks is not aware of any amendment to the 1987 LRDP-EIR that would have altered LBNL's commendable long term policy of complying with local laws regarding land use. Absent such an amendment, however, the current proposal would violate the Berkeley Creek Ordinance, and thus be inconsistent with the 1987 LRDP-EIR.

III. CONCLUSION

At this early stage in the planning process, Friends of Creeks strongly urges LBNL to reconsider its ill-conceived plan to fill in a substantial portion of Cafeteria Creek and Canyon. Friends of Creeks believes that LBNL may not have adequately considered the substantial legal hurdles that will be involved for LBNL to obtain permission to fill in a creek in this sensitive area. LBNL should be aware that Friends of Creeks (and the individual groups represented in this Comment Letter) would challenge LBNL's decision to continue with this Project, as currently proposed, at every step of this legal process. Since there are certainly feasible alternatives to destroying sensitive riparian habitat simply to dispose of excess soil fill, LBNL should develop these alternatives now rather than embarking upon a lengthy environmental review process that will be unlikely to result in eventual Project approval.

Respectfully submitted,

Michael W. Graf

(On Behalf of Urban Creeks Council, Center for Biological Diversity, Friends of Strawberry Creek and creek advocates of Live Oak Codornices Creek Neighborhood Association)

CommentLetter1.wpd

COMMITTEE TO MINIMIZE TOXIC WASTE

July 17, 2003

Jeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road
Berkeley, California 94720

Re: General Comments on the Notice of Preparation, Draft Focused, Tiered Environmental Impact Report regarding the Construction and Operation of Building 49 and G-4 Parking Lot

Dear Mr. Philliber,

We are writing these comments to express our grave concern and opposition to the proposed construction of Building 49 (B 49), a six-story, 65,000-square-foot office building and a 31,000-39,000-square-foot parking lot (G-4), in the Alquist-Priolo Earthquake Fault Zone as well as in the Seismic Hazard Zone, as identified by the California Geological Survey's recently adopted maps (February 2003) (See attachment 1 and 2).

The Lawrence Berkeley National Laboratory (LBNL) is located in the hills of the Strawberry Creek Watershed, which includes the Blackberry Canyon and Strawberry Canyon Watersheds, which are further divided into the Stadium Hill and Chicken Creek Sub-Watersheds (See attachment 3).

The proposed Building 49 is located in the Blackberry Canyon Watershed, which was named after Blackberry Creek (aka North Fork of Strawberry Creek), which flows through the Canyon from east to west.

The proposed G-4 Parking Lot on the other hand is located in the Strawberry Canyon Watershed, specifically in the Stadium Hill Sub-Watershed, which includes Cafeteria Creek flowing from east to west (See attachment 4).

The Notice of Preparation (NOP) documents, both text and maps, are extremely deficient regarding site/project description. Most of the creek and watershed specific information above were excluded, thus making it difficult, if not impossible for the general public to properly understand the dynamics of the site.

Furthermore, there were no maps showing the Alquist-Priolo Earthquake Fault Zone, nor the traces of the active Hayward Earthquake Fault just a few meters from the proposed building and parking lot.

Based on the Seismic Hazard Zone maps the proposed project sites lie within the area of very high risk earthquake-induced landslides (See attachment 5). It would seem extremely irresponsible and dangerous to even propose any development on this unstable, unpredictable, still pristine natural area, which includes a riparian habitat, the Cafeteria Creek.

In light of the above facts we are calling for an Ecological Protection Zone in the Strawberry Creek Watershed, specifically this protection zone would include, but is not limited to all of the areas identified by the State as prone for earthquake-induced landslides (See attachment 5). The entire area for the proposed Building 49 and the G-4 parking lot would be included in the Ecological Protection Zone which calls for a permanent moratorium on construction and development.

The Lawrence Berkeley National Laboratory has several acres of re-usable land, on which huge decommissioned facilities are waiting for clean-up. These sites include the Bevatron Accelerator, Building 51, the HILAC and Super HILAC, Building 71, the newly defunded 88 inch Accelerator, Building 88, some of which have already been standing idle for over a decade. We are requesting a commitment from Department of Energy and LBNL to a time-line for the comprehensive clean-up of these contaminated sites to facilitate their potential re-use, prior to undertaking any new development on any of the remaining pristine, unused, i.e. new open space lands at LBNL in the Strawberry Creek Watershed. The Lab must prepare an Environmental Impact Report under CEQA and an Environmental Impact Statement under NEPA for the dismantling of these facilities, the hauling/shipping of resulting radioactive/hazardous debris and for the final disposition of those materials and the contaminated soil/vegetation that will be removed from the site as a result of the clean-up process.

The NOP lacked any consideration for alternate sites. In addition to the contaminated but available sites referred to above, LBNL has several buildable areas especially next to Building 90, now occupied by office trailers, which could be easily removed and the site used for the proposed office building.

Since there are many feasible alternatives to building in a high risk earthquake induced landslide area and destroying riparian habitat, it would be advisable for LBNL to consider these other alternatives immediately, rather than proceeding with a lengthy environmental review process, which will be fought every step of the way.

Sincerely,

Irmi Meindl
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Berkely, CA 94702

Mark McDonald
1815 Parker Street
Berkeley, CA 94703

Pamela Sihvola
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Berkeley, CA 94709

LETTERS TO THE EDITOR

Continued from Page Nine

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THE SCARLET LETTER

Editors, Daily Planet:

There isn't much point in passing a law against stealing newspapers, since it's only Mayor Tom Bates and Maudelle Shirek's former aide who seem to have this anti-social habit. Perhaps the mayor would consider an ordinance requiring both of them to wear a scarlet "I" in public, and, if he's serious about free speech, stop the current practice of tearing down posters all over town on the comic grounds that they constitute "blight."

Carol Denney

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SAVE CREEK

Editors, Daily Planet:

I have read the Notice of Preparation Draft Focused, Tiered Environmental Impact Report for proposed Building 49 and G4 Parking at Lawrence Berkeley National Laboratory (LBNL). I would like to take this opportunity to say that the basic design which calls for completely filling in an existing creek to put in paved parking is highly objectionable for ecological and aesthetic reasons. The statement in the notice that the project would "require the removal of several trees and other vegetation, including oak trees and some riparian plant species, from the lower elevations of the project site" is extremely disturbing to me.

Community values are reflected fairly well in the city of Berkeley's Creek Ordinance, in which such a project that covers an open creek with parking lot would be illegal. Even though LBNL does not answer to the city of Berkeley per se, I know the same values are shared by many in the university and LBNL communities.

Though there may be some people who prefer to live in totally fabricated environments and never see a tree or blade of grass, most people prefer to have some natural setting within their community space. We must be very careful in planning our buildings that we not fall into a trend of destroying every square inch of natural space around us, especially such ecologically sensitive sites as creeks.

I strongly urge you to propose improvements that will have the least impact on our natural environment. And please don't fill in a creek to make a parking lot!

Alan Gould
Member, Live Oak Codornices Creek Neighborhood Association
Employee, Lawrence Hall of Science

•

STOP THE INSANITY

Editors, Daily Planet:

I am appalled that Lawrence Berkeley National Laboratory (LBNL) and UC Berkeley plans to bury Cafeteria Creek and its valley and destroy part of a hill on LBNL property for a construction project for a new building and parking lot. People have done enough damage to the environment and have destroyed most of the creeks in the Bay Area. When is this insanity going to stop. There are alternative sites. They can clean up their unused building sites for their project instead of contributing to the further destruction of natural open spaces where other species live.

Please don't let this anti-environmental project happen.

Barbara Beth

•

ADDRESS ISSUES

Editors, Daily Planet:

If you want a man who will fight against wars of aggression, as the war in Iraq was and still is, and who also has the support of corporate America, then Howard Dean is your man. He is vocal in his opposition to Bush's war. His universal health care plan covers most everybody while leaving corporations in charge. He will push for workers' rights under globalization but will not get rid of NAFTA. He enjoys grass roots support yet is not calling for an amendment to reform campaign finance laws. Dean walks a fine line in gaining support from the left while keeping the interests of big corporations in mind.

If on the other hand you are like me and believe that the reason we are waging a war of aggression in Iraq is big corporations, then you might be more inclined to support Dennis Kucinich.

This nation and the world are facing enormous challenges: global warming, peak oil and the plunder of third world environments and economies due to globalization, just to name three. It is time that we, citizens and politicians alike, seriously address these issues. I appreciate Dean's call for sustainability of life on this fragile planet. Yet until Dean seriously confronts the power of big corporations, I will have little hope for the success of such a vision.

George Palen

•

THOROUGH REPORTING

Editors, Daily Planet:

It is a healthy sign for the Berkeley community that you are back in circulation. Your coverage of Berkeley issues is more thorough and fair-minded than any other Bay Area publications that take an erratic swipe at reporting on Berkeley.

As examples among many others, your recent articles on residential development are not likely to be matched elsewhere in the Bay Area press. The Theodore Roszak column on Bush's blind faith is a gem, and your editorial on the recall of Davis, "It Could Get Worse," is a reminder that intemperate political anger often worsens rather than improves government. On cultural matters, you carried the only review I've seen of the recent outstanding production of Euripedes' "The Bacchae" in John Hinckel Park.

It would be great if you could resume daily publication!

Norman K. Gottwald

Berkeley Daily Planet
Weekend Edition July 18-21, 2003
Volume 5, Issue 32
FREE

Continued from Page Eight

completely unacceptable in the year 2003. The city of Berkeley has a creek protection ordinance that is intended to protect the creeks in the city of Berkeley. Even if not bound legally by the ordinance, we expect that the University of California would want to be a respectful "resident" of the city by complying with the letter and spirit of the creek ordinance. We are dismayed that the university would even conceive of such a project.

We strongly encourage Lawrence Berkeley National Laboratory (LBNL) to select an alternative that does not involve the destruction of a hillside and a creek. Other sites/existing buildings within LBNL, on the UC Berkeley campus, or in the city of Berkeley may be more easily used (and will be less environmentally destructive) for the additional office space identified as needed by LBNL. Your proposal does not present any more compelling rationale for the proposed project than cost and convenience. Such arguments are no longer an adequate basis for the destruction of natural habitat areas. The need to dispose of 26,000 cubic yards of hillside in the cheapest, easiest way is no longer adequate rationale for filling wetlands.

Please rethink your proposal and abandon the preferred alternative. Your proposal is not the least environmentally damaging alternative and flies in the face of the California Environmental Quality Act (CEQA). We hope you will rethink this project and choose an environmentally acceptable alternative.

Strawberry Creek
Affinity Group:
Fran Berges, Jane Eiseley, Nina Falk, Jane Kelly, Tom Kelly, Christopher Kroll, Bob Marsh, Patti Marsh, Fran Rachel, Eric Roberts, Carol Thornton, Christine Walter

Continued on Page Nineteen

LETTERS TO THE EDITOR

EAST TIMOR

Editors, Daily Planet:

Two points in the front page story "Journalist Held in Indonesia" (July 11-14 edition) bear correcting. Paul Kilduff referred to "East Timor's recent successful battle for independence." That point of view is a familiar one in our time, when people take armed conflict for granted. However, in the case of East Timor, the people on that remote eastern tip of the Indonesian archipelago did not have to battle for their independence. In 1975, they had been granted independent status by the United Nations, in a decision agreed to by all the member states of the UN.

Unfortunately, Indonesia moved in and incorporated East Timor as part of Indonesia. That status, another all too familiar instance of Might Makes Right, continued until 1999, when a free and fair election was held and the people of East Timor voted for independence. All that occurred without violence.

Immediately after the vote, however, the Indonesian military slaughtered and forcibly expelled hundreds of thousands of East Timorese and destroyed virtually every building in the capital city of Dili. So even then there was no battle for independence. The UN successfully administered all aspects of reconstruction in East Timor for more than two years and assisted in setting up trials for the criminal acts of the Indonesian military.

The second point is that the Free Aceh Movement is GAM, not GAB.

Rita Maran, Ph.D.
Lecturer, UC Berkeley
President, United Nations Association – USA East Bay

•

ON THE BALLOT

Editors, Daily Planet:

If the recall ballot gives us little choice other than Davis, Simon, Schwarzenegger or Issa, then I'm writing in "NOTA"—None Of The Above. If NOTA wins, then a new election must be held with different candidates.

Bruce Joffe
Piedmont

•

SAVE STRAWBERRY CANYON

Editors, Daily Planet:

Please fight to save Strawberry Canyon from the planned overuse of this magnificent canyon by the university and LBNL. As longtime residents of Berkeley, we have many times gone for walks in the Berkeley Hills and enjoyed the riparian atmosphere of that whole region. It would be a shame to see it lost. Also, the destruction of habitat for the abundant wildlife in the creek area would be unforgivable.

Please do whatever you can to save this beautiful resource.

Stephanie Manning

•

STOP MEDI-CAL CUTS

Editors, Daily Planet:

As a family member who has a loved one in a nursing home, I feel the proposed 15 percent Medi-cal cuts will not only hurt nursing homes, but will also affect family stability on a daily basis. families who are already dealing with the emotional aspect of having their loved ones in a home. This cut will not only affect Medi-cal recepients, but also non-Medi-cal patients.

Please spread the word and contact your district assemblymen. This issue is vital and will be devastating to the most in need in our society.

You may even suggest to those representatives in Sacramento who support the 15 percent budget cuts to visit a nursing facility for eight hours, to observe the 24-hour staff working to meet the needs of loved ones and then to face the true reality of life on the other side.

JohannaTurley
Family Council Chairperson
Berkeley Pines Care Center

•

CULTURAL CENTER

Editors, Daily Planet:

My response to the writer who said that the Bolshoi Ballet, the New York City Ballet, and Yo Yo Ma would not have appeared in Bloomington, Ind.: I hate to burst your bubble, but they have indeed appeared in Bloomington. This year's Bloomington schedule includes the Twyla Tharp Dance troupe and other performances too numerous to mention, including opera and jazz productions at Indiana University's world-class School of Music.

I agree, however, with Editor O'Malley's point—that touring and university productions do not a great cultural center make.

Carol Polsgrove
Bloomington, Ind.

•

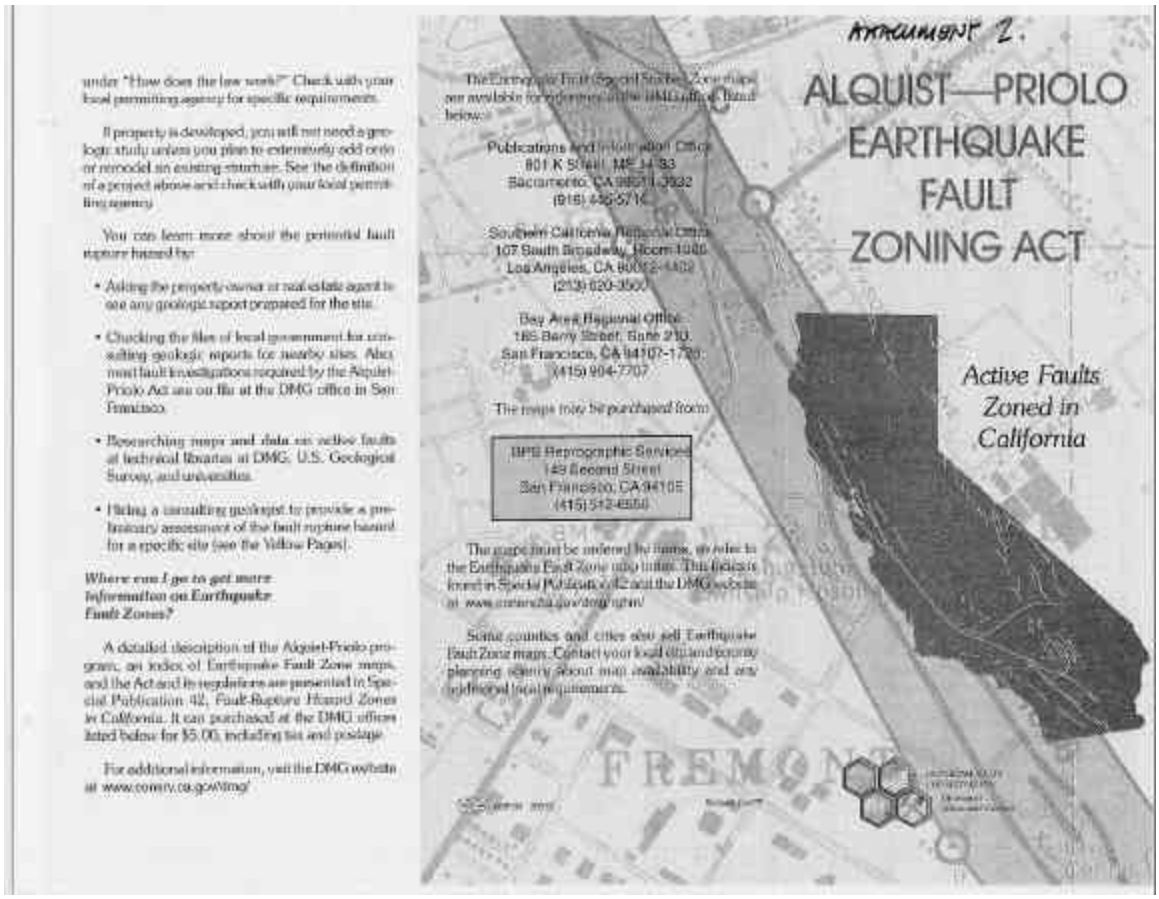
RESPECT CREEK ORDINANCE

Editors, Daily Planet:

The following letter was addressed to Jeff Philliber, environmental planning coordinator, Lawrence Berkeley National Laboratory:

We are writing to express our strong opposition to the proposed project that will result in the filling of a portion of Cafeteria Creek, a tributary of Strawberry Creek. Filling of creeks to minimize construction costs and building parking lots in creeks are

Continued on Page Nine



under "How does the law work?" Check with your local permitting agency for specific requirements.

If property is developed, you will not need a geologic study unless you plan to extensively add onto or remodel an existing structure. See the definition of a project above and check with your local permitting agency.

You can learn more about the potential fault rupture hazard by:

- Asking the property owner or real estate agent to see any geologic report prepared for the site.
- Checking the files of local government for consulting geologic reports for nearby sites. Also most fault investigations required by the Alquist-Priolo Act are on file at the DMG office in San Francisco.
- Researching maps and data on active faults at technical libraries at DMG, U.S. Geological Survey, and universities.
- Hiring a consulting geologist to provide a preliminary assessment of the fault rupture hazard for a specific site (see the Yellow Pages).

Where can I go to get more information on Earthquake Fault Zones?

A detailed description of the Alquist-Priolo program, an index of Earthquake Fault Zone maps, and the Act and its regulations are presented in Special Publication 42, *Fault-Rupture Hazard Zones in California*. It can purchased at the DMG offices listed below for $5.00, including tax and postage.

For additional information, visit the DMG website at www.consrv.ca.gov/dmg/

ATTACHMENT 2.

ALQUIST—PRIOLO EARTHQUAKE FAULT ZONING ACT

The Earthquake Fault Special Studies Zone maps are available for reference at the DMG offices listed below:

Publications and Information Office
801 K Street, MS 14-33
Sacramento, CA 95814-3532
(916) 445-5716

Southern California Regional Office
107 South Broadway, Room 1065
Los Angeles, CA 90012-4402
(213) 620-3560

Bay Area Regional Office
185 Berry Street, Suite 210
San Francisco, CA 94107-1728
(415) 904-7707

The maps may be purchased from:

BPS Reproographic Services
149 Second Street
San Francisco, CA 94105
(415) 512-6550

The maps must be ordered by name, as sold to the Earthquake Fault Zone map index. This index is found in Special Publication 42 and the DMG website at www.consrv.ca.gov/dmg/rghm/

Some counties and cities also sell Earthquake Fault Zone maps. Contact your local city and county planning agency about map availability and any additional local requirements.

Active Faults Zoned in California

FREMONT

ALQUIST—PRIOLO EARTHQUAKE FAULT ZONING ACT

The Alquist–Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. This state law was a direct result of the 1971 San Fernando earthquake, which was associated with extensive fault ruptures that damaged numerous homes, commercial buildings and other structures. Surface rupture is the most easily avoided seismic hazard.

What is the Alquist–Priolo Act?

The Alquist–Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Seismic Hazards Mapping Act, passed in 1990, addresses non-surface fault rupture earthquake hazards, including liquefaction and seismically induced landslides. For further information on Seismic Hazards maps and the Seismic Hazards Mapping Act refer to the DMG website: www.conservation.ca.gov/dmg/shezp/index.htm

How does the law work?

The law requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones*) around the surface traces of active faults and issue appropriate official Earthquake Fault Zones maps. The maps are distributed to all affected cities, counties and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. Single family wood-frame and steel-frame dwellings up to two stories not part of a development of four units or more are exempt. However, local agencies can be more restrictive than state law requires.

Before a project can be permitted, cities and counties require a geologic investigation to demonstrate a proposed building will not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a registered geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of an active fault and must be set back from the fault (generally 50 feet).

* Earthquake Fault Zones were called Special Studies Zones prior to January 1, 1994.

A surface fault rupture created during the June 28, 1992 Landers earthquake damaged a house in San Bernardino County. Ground displacements measured about 8 feet vertically (note scraps and horizontally. Photo by W.A. Bryant

What is an Earthquake Fault Zone?

Earthquake Fault Zones (EFZs) are regulatory zones around active faults. The zones are defined by turning points connected by straight lines. Most of the turning points are identified by roads, drainages, and other features on the ground. EFZs are plotted on topographic maps at a scale of 1 inch equals 2,000 feet. The zones vary in width, but average about one-quarter mile wide.

What is a fault?

A fault is a fracture in the crust of the earth along which rocks on one side have moved relative to those on the other side. Most faults are a result of repeated displacements. A fault trace is the line on the earth's surface defining the fault. For the purposes of the Act, an active fault is one that has ruptured in the last 11,000 years.

What is "surface rupture" in an earthquake?

Surface rupture occurs when movement on a fault deep within the earth breaks through to the surface. Surface ruptures associated with the 1992 Landers earthquake, in San Bernardino County, extended for 50 miles with displacements from a fraction of an inch to 20 feet. Not all earthquakes result in surface rupture. The Loma Prieta earthquake of 1989 caused major shaking in the San Francisco Bay Area but the movement deep in the earth did not break through the surface.

How can I tell if a property is in an Earthquake Fault Zone?

EFZ maps can be studied at local planning departments or at the DMG offices listed on the back of this brochure. These maps show most streets, drainages, and other features. Local government may have already transferred Earthquake Fault Zone boundaries to parcel maps, so the relationship of the zone to each parcel can easily be determined.

Does the law require that all real estate within an Earthquake Fault Zone be disclosed as such before it is sold?

The fact that a property is located in an Earthquake Fault Zone must be disclosed to a potential buyer before the sales process is complete. The real estate agent is legally bound to present this information to the buyer. When no realtor is involved, the seller must inform the buyer directly. This is usually done at the time an offer is made or accepted.

Effective June 1, 1998, the Natural Hazards Disclosure Act requires that sellers of real property and their agents provide prospective buyers with a "Natural Hazard Disclosure Statement" when the property being sold lies within one or more state-mapped hazard areas, including Earthquake Fault Zones. Additional information on Earthquake Fault Zones and disclosure can be found at the DMG website: www.consrv.ca.gov/dmg/rghm/disclose.htm

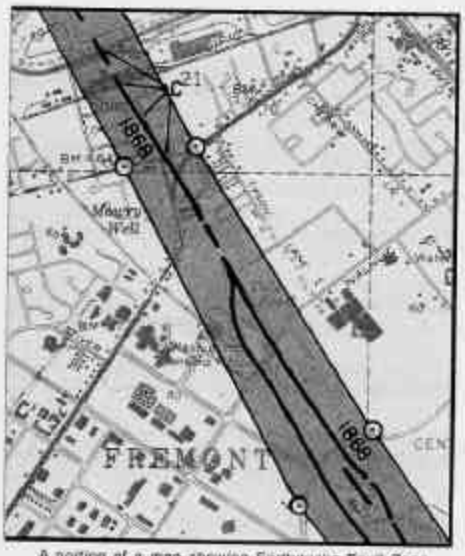
What does an Earthquake Fault Zone mean to me?

It means an active fault is present near or within the land parcel and may pose a risk of surface fault rupture to existing or future structures.

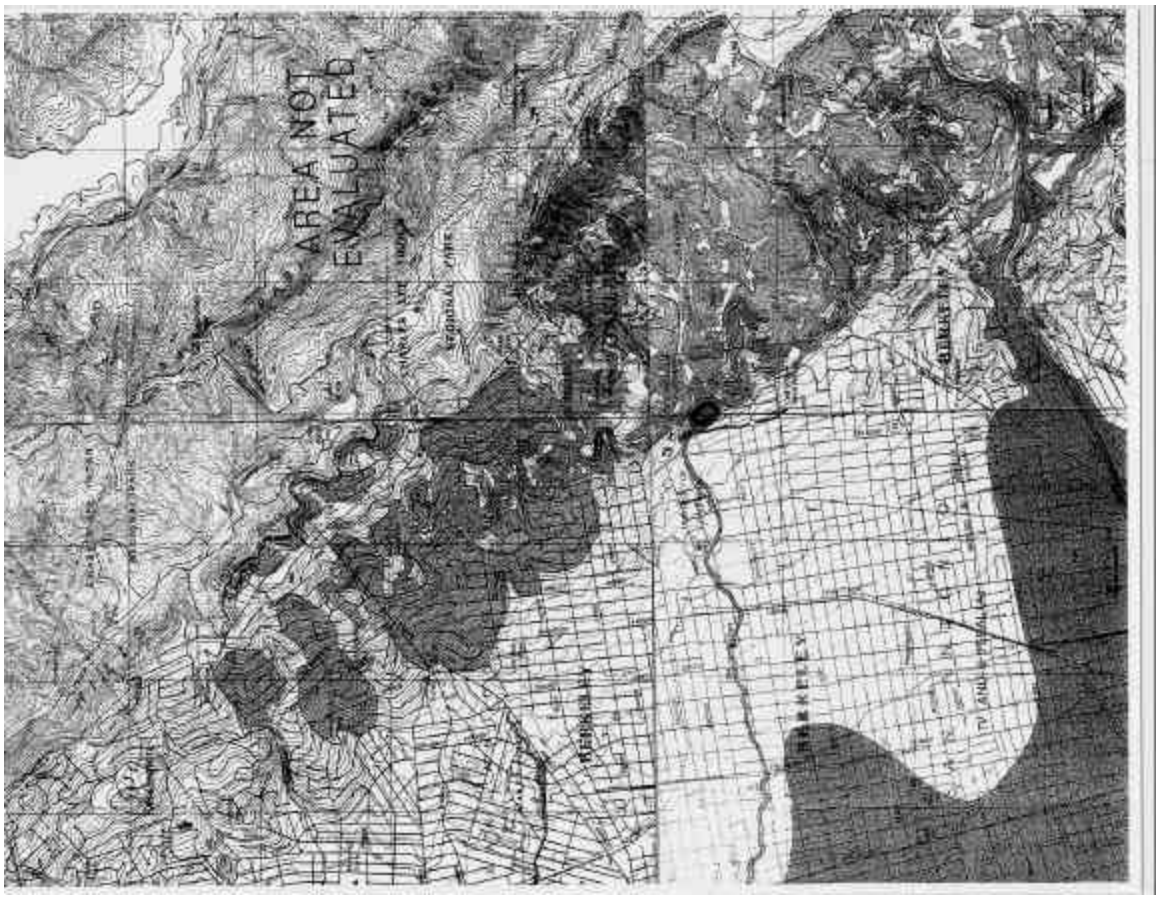
If the property is not developed, a fault study may be required before the parcel can be subdivided or structures permitted. See the definition of "project"

Fault rupture almost always follows preexisting faults, which are zones of weakness. Rupture may occur suddenly during an earthquake or slowly in the form of fault creep. Sudden displacements are more damaging to structures because they are accompanied by shaking.

Fault creep is the slow rupture of the earth's crust. Examples of creep are well known along the Hayward Fault where it crosses highly developed areas in Contra Costa and Alameda counties. Although the Hayward Fault ruptured suddenly in the 1868 earthquake, it also exhibits slow surface creep which offsets and deforms curbs, streets, buildings and other structures that lie on top of the fault.



A portion of a map showing Earthquake Fault Zone (shaded) and traces of the Hayward Fault that were active in 1868 and where fault creep (c) occurs.


AREA NOT
EVALUATED

ATTACHMENT 3

LBL-27170 (2002)
Volume I

ERNEST ORLANDO LAWRENCE
BERKELEY NATIONAL LABORATORY

Site Environmental Report for 2001
Volume I

Environment, Health, and Safety Division
August 2002

the end of the rainy season. As expected, tritium was always detected this close to the stack. In general, tritium levels were highest for rain collected at the gauge seven meters from the stack, and then decreased with increasing distance from the stack. The highest concentrations were seen at all four locations for the March 2 collection, with a maximum of 35,500 Bq/L (960,000 pCi/L) at the seven-meter distance. This is nearly an order of magnitude higher than all other rainfall measurements. That sample was collected over approximately 24 hours between March 1 and 2, during which 0.48 inch of rain fell. This period of rainfall coincided with a small emission of 0.21 curie of tritium from the NTLF.

5.2.2 Creeks

Given Berkeley Lab's location in the hills of the Strawberry Creek watershed, many streams and creeks at and near the site flow at varying intensities throughout the year. When creek flow occurs, a grab sample is collected and analyzed quarterly for alpha and beta activity and tritium. Creeks routinely sampled during CY 2001 were Chicken Creek, Claremont Creek, the North Fork of Strawberry Creek, Strawberry Creek (UC), and Wildcat Creek. For creek sampling locations, see Figure 5-4. Alpha activity was not detected at any sampling site, with the exception of a low amount at Chicken, Claremont, and the North Fork of Strawberry creeks during the August sampling, and in Claremont Creek in December. Beta activity was only detected in low concentrations in the August sampling in Chicken Creek, the North Fork of Strawberry, and Strawberry Creek (UC).

A second set of creeks was also sampled once and analyzed for metals, volatile organic compounds, and tritium. These creeks (also shown in Figure 5-4) include Banana Creek, Pineapple Creek, Botanical Garden Creek, Cafeteria Creek, No Name Creek, Ravine Creek, and Ten-Inch Creek. No volatile organic compounds were detected at any location. Some metals were present, including arsenic, barium, vanadium, selenium, and zinc — all in low amounts within background levels for this site and well below limits stipulated in the San Francisco Bay Region Basin Plan.[1] See Section 5.4 for more information.

Additionally, sampling for tritium was carried out in accordance with the approved Tritium Sampling Plan for Surface Water, which was designed and approved to meet the US/EPA's request for additional information on levels of tritium in certain media. Samples in this effort were taken at various points on Chicken Creek, the North Fork of Strawberry Creek, Strawberry Creek (UC), and the Strawberry Creek outfall to the bay. The results for these special samplings are included in the analysis below and in the data in Volume II, along with results from routine environmental sampling. For more description of this additional monitoring, and a figure showing the sampling sites, see Chapter 10.

Tritium was generally not detected, except in Chicken Creek, and a few times at low levels in the North Fork of Strawberry Creek. The maximum seen in CY 2001 was 32 Bq/L (2,240 pCi/L),

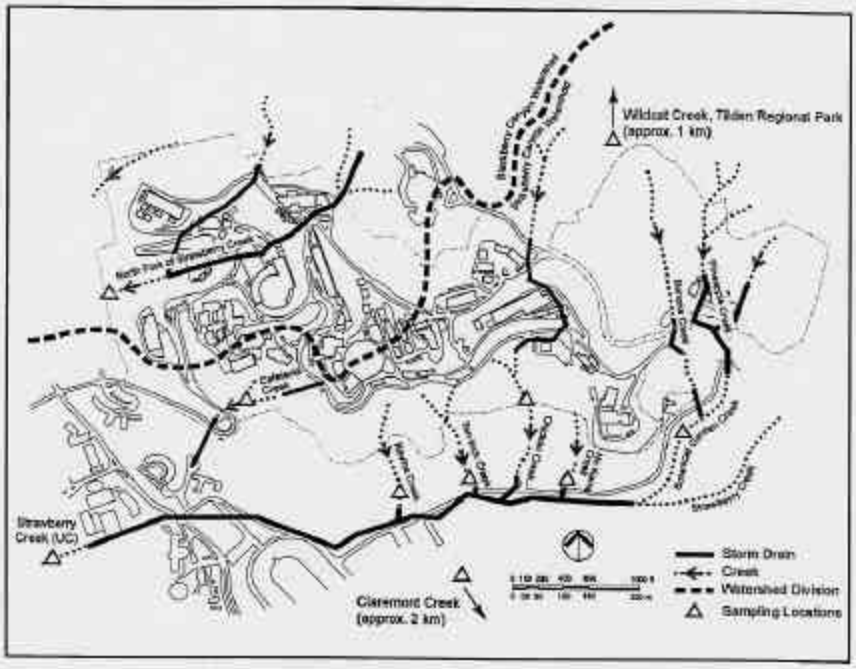


Figure 5-4 Creek Sampling Locations

nearly an order of magnitude below drinking-water levels, although this water is not used by the local water provider.

Chicken Creek is the only creek in which tritium has been found with any regularity. Figure 5-5 presents a comparison of the annual mean for tritium in Chicken Creek over the last seven years. From a high of 43.9 Bq/L (1,190 pCi/L) in 1995, average tritium levels decreased by nearly 50% in 1996 to 23 Bq/L (620 pCi/L) and remained near that level for 1997 and 1998. During the last three years, from 1999 to 2001, average tritium levels in Chicken Creek have remained below the 1997/1998 levels.

5.2.3 Lakes

Lake sampling is performed once each year at Lake Anza in Tilden Regional Park and at Lake Temescal in Oakland's Temescal Regional Park (see Figure 5-1). Samples from both lakes contained no gross alpha or beta activity or tritium above minimum detectable amounts.

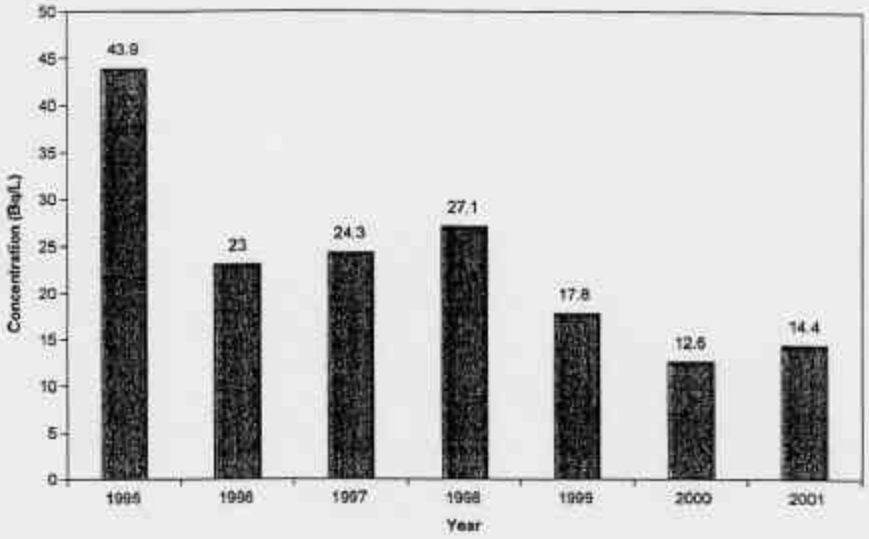


Figure 5-5 Annual Averages for Tritium in Chicken Creek (1995–2001)

5.2.4 Stormwater

Berkeley Lab lies within the Blackberry Canyon and Strawberry Canyon watersheds, which are part of the main Strawberry Creek watershed. There are two main creeks in these watersheds, Strawberry Creek (in Strawberry Canyon) and the North Fork of Strawberry Creek (in Blackberry Canyon), plus several small tributaries that generally do not flow all year long.

Surface runoff from Berkeley Lab is substantial because of the site's hillside location, the amount of paved or covered surface, and the moderate annual rainfall. All stormwater runoff from the site drains through its stormwater drainage system to Strawberry Creek or its north fork, which join below the Laboratory on the UC Berkeley campus.

Under the State of California's National Pollutant Discharge Elimination System (NPDES) program, Berkeley Lab must follow the General Permit for Stormwater Discharges Associated with Industrial Activities.[2] Permit holders must develop and maintain a Storm Water Monitoring Plan (SWMP)[6] and a Storm Water Pollution Prevention Plan (SWPPP).[7] These are the guiding documents for the Laboratory's compliance with stormwater regulations. For further discussion of this compliance program, see Section 3.4.6.2.

Berkeley Lab's SWMP explains the rationale for sampling, sampling locations, and the kinds of radiological and nonradiological analyses to be performed. The SWMP was revised and updated for

the stormwater year of 2001/02 (i.e., for the latter half of 2001). Certain changes to the monitoring program resulted from an in-depth look at the results over the past several years, as provided for in the permit.

Following a request from the City of Berkeley, Berkeley Lab had in the past committed to analyzing at least one sample per stormwater year (July 1 through June 30) for both total and dissolved metals as a comparison. For five years, dissolved-metals results were consistently lower than total metals and were generally not detected at all. Therefore, beginning with the 2001/02 stormwater year, Berkeley Lab will sample only for total metals, as required by the permit. Additionally, because many metals analyzed were not detected, the list of metals analyzed has been reduced to four (aluminum, iron, magnesium, and zinc). All others had not been detected in the last two years or more. Sampling points are shown in Figure 5-6.

One of the monitoring points, StW03 (Building 69 Storm Drain Manhole), is an influent point, where stormwater comes onto the site from residential areas, roads, and UC Berkeley campus

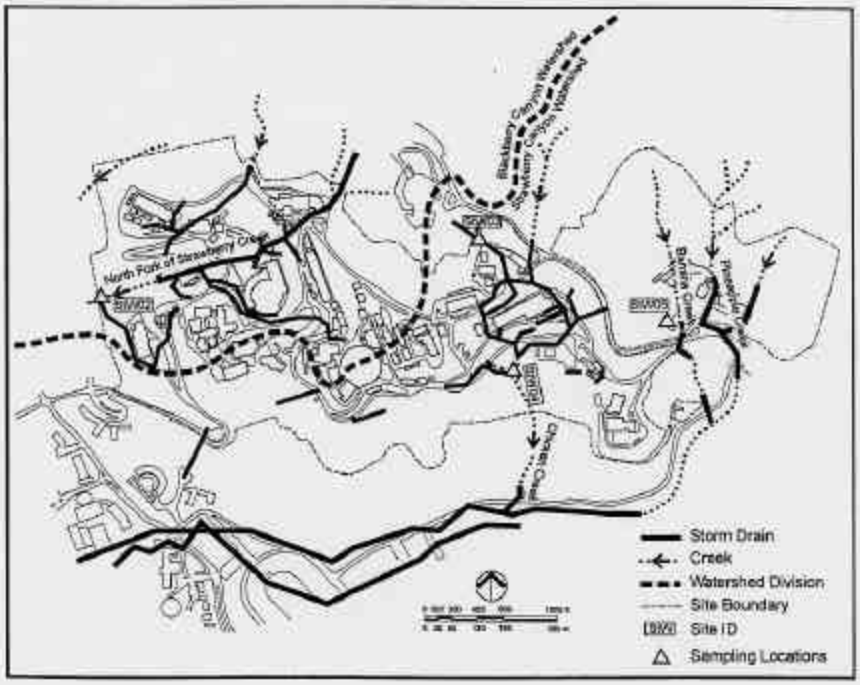


Figure 5-6 Stormwater Sampling Locations

facilities located above Berkeley Lab. This point was chosen as a basis of comparison, facilitating an investigation if contaminants were found. Another influent point, previously called StW01, at the Building 71 manhole, was deleted from the program during CY 2001 for safety reasons.

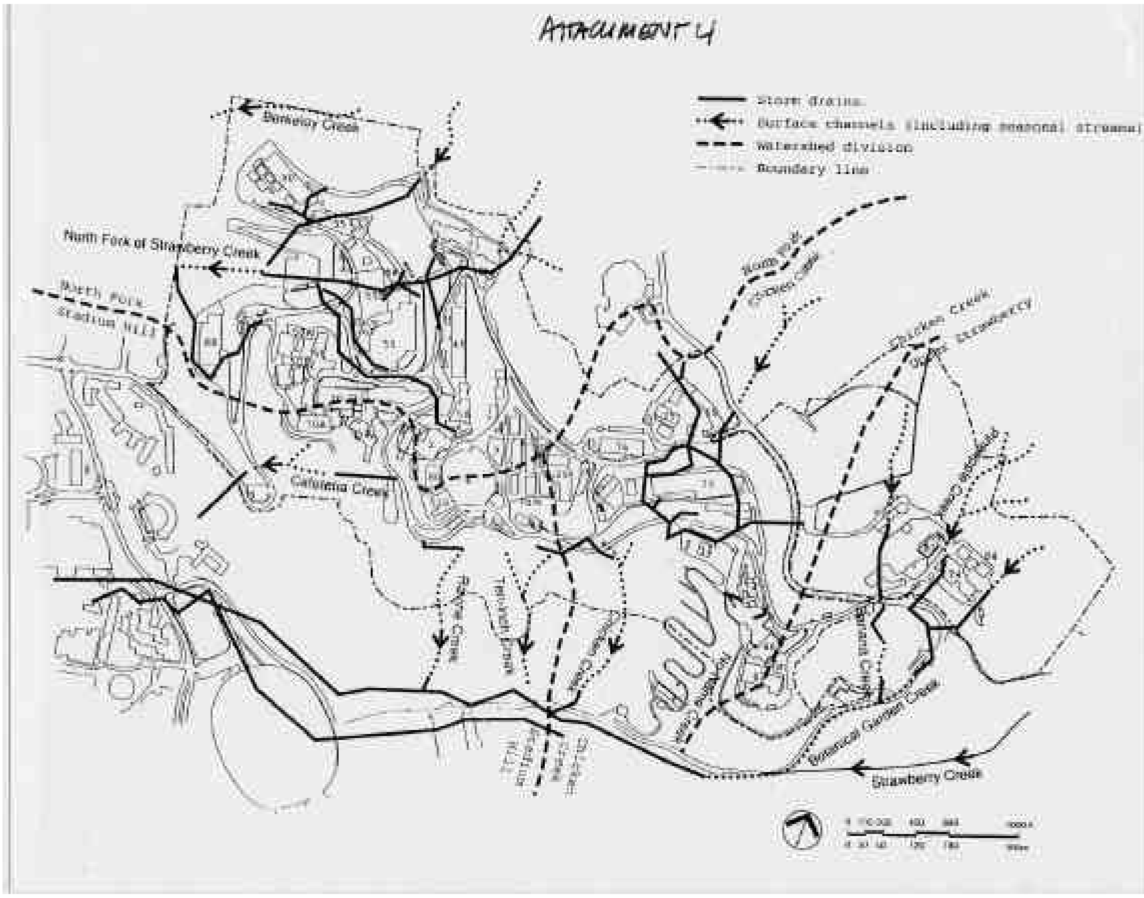
Under the terms of the General Permit, sampling must take place at least twice each stormwater year under specific conditions. Monitoring also includes visual observation of one storm per month and quarterly observation of authorized and unauthorized non-stormwater discharges. All sampling points must be monitored for the following:

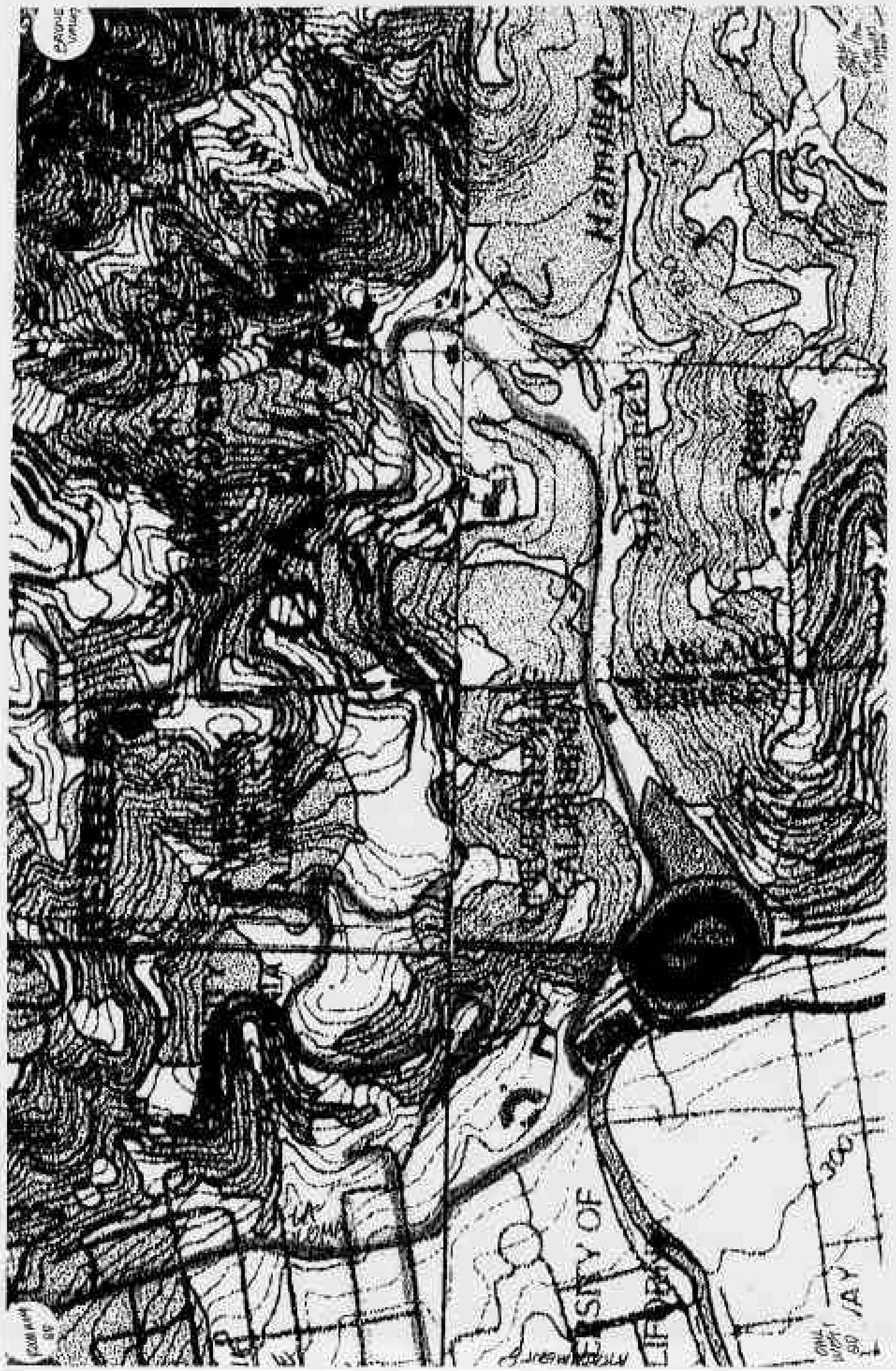
- Total suspended solids, pH, specific conductance, and total organic carbon (TOC). Oil and grease may be substituted for TOC.
- Certain substances as prescribed by the permit if specific operations are present.
- Toxic chemicals and other pollutants that are likely to be present in stormwater discharge in significant quantities.

In CY 2001, the measured pH was always near neutral, and total petroleum hydrocarbons (diesel) were often seen in low quantities at most sampling points. Oil and grease was not detected. Specific conductance, usually a measure of the degree of mineralization of water, was generally low and within the range of domestic drinking water. The measure for total suspended solids (TSS) was also usually very low, indicating clear water. Chemical oxygen demand (COD) is a measure that can be correlated to the amount of organic matter in the water. COD results in stormwater discharge for the Laboratory were generally low. Nutrients such as ammonia, nitrate, and nitrite were also seen at all stations at low levels. Chicken Creek often exhibits higher levels of all these parameters than other sites.

Metal concentrations were generally below detection limits. Only aluminum, iron, magnesium, and zinc were above detection levels in the total-metals analyses. The General Permit does not contain specific discharge limits for metals. For comparison purposes, Table 4-3 of the Basin Plan[5] gives effluent limitations for selected toxic pollutants discharged to shallow surface waters applicable to point source discharges from Publicly Owned Treatment Works (such as the East Bay Municipal Utility District [EBMUD]) and industrial effluent.

Routine stormwater samples are also analyzed for alpha and beta emitters and tritium. No alpha emitters were detected. Beta emitters were detected at low concentrations (typical for natural background levels) once each at the Building 69 Storm Drain Manhole (StW03) and East Canyon (StW05), and at Chicken Creek (StW04). The maximum tritium concentration in stormwater (60.7 Bq/L [1,640 pCi/L]) was measured in a sample collected from the Building 69 Storm Drain Manhole (StW03), a location where stormwater runs onto the site. By comparison, the maximum tritium concentration at the corresponding stormwater discharge location was 16 Bq/L (430 pCi/L), measured in a sample collected from Chicken Creek (StW04).


ATTACHMENT 4
Storm drains
Surface channels (including seasonal streams)
Watershed division
Boundary line
Berkeley Creek
North Fork of Strawberry Creek
North Fork
Stadium Hill
Cafeteria Creek
Chicken Creek
Strawberry Creek
Botanical Garden Creek
Ravine Creek



ATTACHED PRESS CLIPPINGS :

① BERKELEY DAILY PLANET (7/4-7/03 ISSUE)
COMMENTARY : "LAWRENCE LAB INFILL PROJECT THREATENS CREEK, WILDLIFE"

② BERKELEY DAILY PLANET (7/8-10/03 ISSUE)
FEATURE ARTICE : "LBNL PLANS TO FILL VALLEY FOR PARKING" / LETTERS TO THE EDITOR : "INFILL PROJECT"

③ THE BERKELEY VOICE (7/11/03 ISSUE)
"PLAN TO PAVE CREEK ANGERS NEIGHBORS"

LETTERS TO THE EDITOR:
* CREEK PROJECT RISKY"
* PROTECT NATURAL AREA"

Weekend Edition, July 4-7, 2003

Berkeley Daily Planet

Volume 5, Issue 27

FREE

Lawrence Lab Infill Project Threatens Creek, Wildlife

By PHIL PRICE

For more than 10 years, I have been proud to be employed by Lawrence Berkeley National Laboratory (LBNL). Although I know that some in the community object to some of the lab's actions, I have generally been pleased with the lab's activities over the past decade, have enjoyed my time there, and I know that our research has been top-notch.

Unfortunately, the lab, in conjunction with UC Berkeley, has just begun the environmental impact report (EIR) process for a project that—if built as planned—will completely bury a small creek and fill most of its valley, in order to build a parking lot. In fact, although LBNL wants the parking lot, that's not the main motivation; really, they just need a place to dump more than 2,000 truckloads of dirt that will be generated by excavating for a new building, and disposing of it on-site will save them a lot of money and a lot of hassle. Where can you dump 2,000 truckloads of dirt? In a valley. It doesn't seem to bother them that the valley is a thriving creek corridor that includes several coast live oaks, supports lots of bird life and is threaded with paths made by the lab's black-tailed deer. In short, the project will:

- Completely bury about 300 linear feet of open creek (a tributary of Strawberry Creek);
- Result in the removal of coast live oaks and other important riparian vegetation;
- Actually fill in (i.e. bury) a riparian corridor with 2,000 truckloads' worth of of dirt;
- Cut away an extremely steep slope for building construction—an inappropriate building site—thus generating the dirt fill in the first place, and
- Construct a new parking lot, thereby actively promoting more vehicle use, traffic and air pollution.

I'm very familiar with this particular creek, having noticed it many times on my daily bike ride home from the lab. When the weather conditions are right, a steady flow of cool air pours down the valley, creating a noticeable local cool zone. Because the valley opens onto the road at a hairpin curve that holds drivers' attention, most employees have probably never noticed this steep-sided valley and its seasonal creek ... but I have, and I don't want to see it destroyed. In fact, I'll quit rather than be a part of an organization that will fill in a creek. I love my job and colleagues, but LBNL cannot be allowed to act so irresponsibly.

More information on the project is available at the lab's Web site, http://www.lbl.gov/Community/env-res-docs.html, where you want the June 16 "notice of preparation." Most of the other documents there are for another project. (Note: This project is not the nano-technology foundry building, but rather a different building proposal.)

To add to the problems, the building site itself is a poor choice: it contains a grove of coast live oaks, and is very steep—that's why so many truckloads of dirt need to be excavated.

If LBNL committed to cleaning up and re-using sites currently available for building (i.e. not new open space), this project would be unnecessary.

At this point, the lab is "scoping" the EIR. That is, they're figuring out what should be included. It's vital that they consider reasonable alternative sites.

It's also important to immediately show the lab that they are going to face substantial opposition to this ridiculously anti-environmental proposal, so that they consider alternatives before becoming totally committed to it. Filling in a creek to build a parking lot should not be allowed. Please, take a stand.

Dr. Phillip N. Price, a Berkeley resident, works as a scientist in the environmental energy technologies division of LBNL.

Weekend Edition, July 4-7, 2003

COMMENTARY

Weekday Edition, July 8-10, 2003

Berkeley Daily Planet

Volume 5, Issue 29

FREE

Erik Olsen

JEFF PHILLIBER, LBNL Environmental Planning Group Coordinator, leads a tour of the building site.

LBNL Plans to Fill Valley for Parking

By ANGELA ROWEN

Residents are opposing a proposal by the Lawrence Berkeley National Lab to construct a six-story office building on a sloping one-acre plot of land and pave over a nearby valley to build a parking lot. Many of those neighbors came out on Monday to take a tour guided by LBNL officials as part of the scoping process, a preliminary step required before a draft environmental impact report can be done on a project.

During the scoping phase, residents can learn more about a proposed project and offer suggestions as to what factors should be examined in the subsequent environmental analysis, which is required by state law. The project involves the construction of an office building on 65,000 square feet of land and filling in part of a valley that includes the Cafeteria Creek to make room for a 120-space parking lot.

The tour was attended by about 45 people, including residents, city employees, city commissioners, and LBNL employees. But the most outspoken attendees were environmentalists and neighbors of the proposed site who worry that the project will exacerbate traffic congestion and remove valuable open space.

Because the site of the proposed office building is located on such a steep hill– the slope is about 90 feet– workers will have to dig out up to 26,000 cubic yards– or more than 2000 truckloads– of soil to level out the land. The preferred plan is to dump that soil into the nearby creek and build a parking lot on top of it. About 300 linear feet of open creek will be buried.

LBNL is considering alternatives to burying the creek,

Continued on Page Sixteen

Lawrence Lab Wants to Fill Creek

Continued from Page One

including an option to ship the soil out to a landfill, either up Grizzly Peak Road or down University Avenue. But Jeff Philliber, LBNL Environmental Planning Group Coordinator, said the parking lot option was the preferred one because it will save money and provide parking in an area that is in dire need of it.

Under the parking lot option, 39,000 square feet of land will be covered with asphalt. Philliber, who guided Monday's tour, admitted that the water quality could be affected by the increased petroleum and other contaminants leaking into the water supply. But he said steps could be taken to mitigate that, such as using devices to separate oil and water. Another resident brought up the question of increased storm water runoff due to the loss of permeable surface. "We will have to look into ways to slow the water down," Philliber said.

Pamela Shivola, a North Berkeley resident and a creek restoration advocate, said the plan is misguided. "This is beautiful," she said, looking out into the valley, lush with brush and willow, oak and eucalyptus trees. "They just want to kill everything that's alive. The word unreasonable comes to mind."

Daniella Thompson is a neighbor who lives on LeConte street and a member of the Native Plant society. She said the proposed development is "totally intolerable. To fill this creek up with soil is a total outrage against nature. I can't believe they're even proposing it."

Dean Metzger, president of the Claremont Elmwood Neighborhood Association and a transportation commissioner, said LBNL should come up with a plan that encourages transit use. "I think what the people of Berkeley are concerned with is changing the culture of driving so that we get people out of their cars and using public transit," he said. "We are never going to change unless institutions like yours takes a step in that direction."

Philliber said transit-friendly alternatives were "certainly being considered in our long-range plan" and said the lab has been more aggressive than most institutions in encouraging the use of public transportation, pointing to the LBNL shuttle buses as an example.

The city council on Tuesday will consider a proposal by Councilmember Dona Spring to officially oppose LBNL's plan to pave over the creek. It would call on the city manager to send letters to LBNL, the Regional Water Quality Control board and other state agencies to oppose the plan on the grounds that it would "destroy the ecological integrity of the North Branch area of the Strawberry Creek." It would instruct him to write a letter to LBNL outlining the city's policy of prohibiting the removal of live oak trees.

Erik Olsen

JEFF PHILLIBER shows the tour group the detailed site plan.

LETTERS TO THE EDITOR

INFILL PROJECT

Editors, Daily Planet:

Regarding LBNL's plans to fill part of a seasonal tributary to the North Fork of Strawberry Creek in order to assist in disposing of construction dirt by building a parking lot, I am very skeptical as to whether all options have been duly studied. Please consider me opposed to this plan, and willing to fight against it, until you have shown that there is no way to avoid destroying yet another of our tiny, remaining natural areas.

I expect that our local politicians will assist in opposing this plan, when they realize the strength of community opposition.

Judy Forrest

THE BERKELEY VOICE

Friday, July 11, 2003

Plan to pave creek angers neighbors

■ Lab wants to tear up hillside, fill creek to create parking; neighbors ask council to intervene

By Martin Snapp
staff writer

They're going to pave paradise and put up a parking lot.

That's what neighbors are saying about Lawrence Berkeley National Laboratory's plans to construct a six-story facility on a hillside on its property in Strawberry Canyon.

The problem, say the conservationists, it's that the hill is not steep, about 26,000 cubic feet of dirt — enough to fill more than 2,000 trucks — will have to be removed to make the ground level.

All that dirt has to go somewhere, and LNBL has decided the best place is nearby Calaveras Creek, which will be covered by the dirt, burying about 700 feet of open creek. A 130-space parking lot for lab employees will be built on top.

Lab officials say this is the cheapest and most convenient solution, and they promise to do everything they can to mitigate environmental side effects. But opponents of the plan call it an ecological disaster. On Tuesday they turned out in force at the

See COUNCIL, Page 16

Council

FROM PAGE 1

Berkeley City Council meeting to ask for help.

"We're talking about the destruction of the hillside and the creeks," said north Berkeley resident Jim Cunningham.

His neighbor and environmental advocate Pamela Shanks added, "There used to be four uncovered tributaries feeding Strawberry Creek. This is the last one."

Daniela Thompson, a member of the Native Plant Society, told the Voice, "To fill this creek with soil would be criminal. I can't believe they're even contemplating it."

Some council members questioned what, if anything, the city can do about it — LNBL falls under the jurisdiction of the University of California. Moreover, the laboratory straddles the Berkeley/Oakland border, with 20 percent in Oakland.

"It sets a dangerous precedent," said Councilman Gordon Wozniak. "If we're going to start analyzing projects in other jurisdictions, where do you draw the line? We have many problems of our own for our staff to work on."

But the majority clearly wanted to do something.

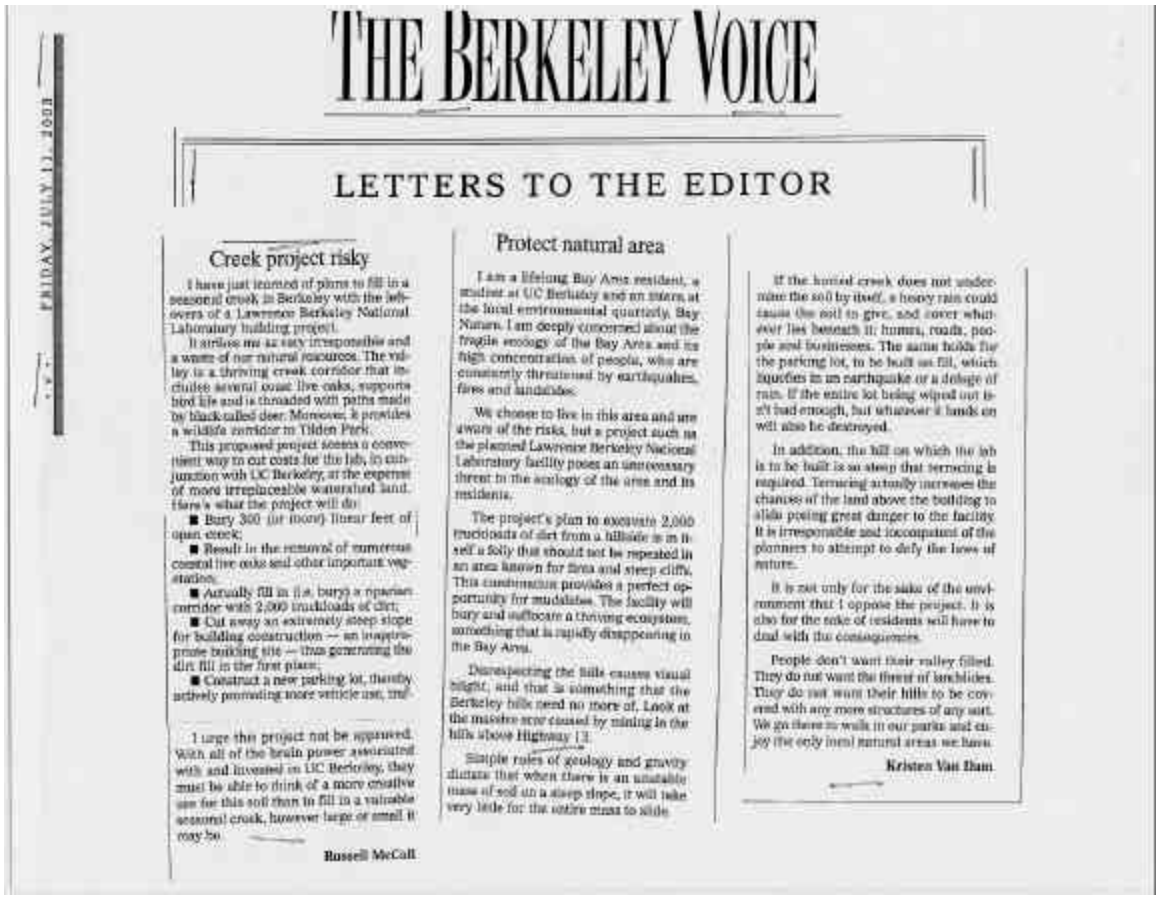
"Just as scientific discoveries at the lab benefit people outside Berkeley, pollution knows no city lines," said Councilman Kriss Worthington. "We can't let a little tiny boundary line stop us from using our brains."

The council approved a motion by Mayor Tom Bates to appoint a city staffer to coordinate with LNBL and monitor development. Next week, it will consider a stronger motion by Councilwoman Dona Spring to put the city officially against LNBL's plan to cover the creek, and to communicate its opposition to the lab, the state Water Quality Control Board and other state agencies.

The neighbors are hoping it won't be too little, too late.

"Time is of the essence," said Janice Thomas. "Things are happening at a breakneck speed up there."

Reach Martin Snapp at 510-262-2787 or e-mail msnapp@pclimax.com.



THE BERKELEY VOICE

LETTERS TO THE EDITOR

Creek project risky

I have just learned of plans to fill in a seasonal creek in Berkeley with the leftovers of a Lawrence Berkeley National Laboratory building project.

It strikes me as very irresponsible and a waste of our natural resources. The valley is a thriving creek corridor that includes several coast live oaks, supports bird life and is threaded with paths made by black-tailed deer. Moreover, it provides a wildlife corridor to Tilden Park.

This proposed project seems a convenient way to cut costs for the lab, in conjunction with UC Berkeley, at the expense of more irreplaceable watershed land. Here's what the project will do:

- Bury 300 (or more) linear feet of open creek;
- Result in the removal of numerous coastal live oaks and other important vegetation;
- Actually fill in (i.e. bury) a riparian corridor with 2,000 truckloads of dirt;
- Cut away an extremely steep slope for building construction — an inappropriate building site — thus generating the dirt fill in the first place;
- Construct a new parking lot, thereby actively promoting more vehicle use, and

I urge this project not be approved. With all of the brain power associated with and invested in UC Berkeley, they must be able to think of a more creative use for this soil than to fill in a valuable seasonal creek, however large or small it may be.

Russell McCall

Protect natural area

I am a lifelong Bay Area resident, a student at UC Berkeley and an intern at the local environmental quarterly, Bay Nature. I am deeply concerned about the fragile ecology of the Bay Area and its high concentration of people, who are constantly threatened by earthquakes, fires and landslides.

We choose to live in this area and are aware of the risks, but a project such as the planned Lawrence Berkeley National Laboratory facility poses an unnecessary threat to the ecology of the area and its residents.

The project's plan to excavate 2,000 truckloads of dirt from a hillside is in itself a folly that should not be repeated in an area known for fires and steep cliffs. This construction provides a perfect opportunity for mudslides. The facility will bury and suffocate a thriving ecosystem, something that is rapidly disappearing in the Bay Area.

Disrespecting the hills causes visual blight, and that is something that the Berkeley hills need no more of. Look at the massive scar caused by mining in the hills above Highway 13.

Simple rules of geology and gravity dictate that when there is an unstable mass of soil on a steep slope, it will take very little for the entire mass to slide.

If the buried creek does not undermine the soil by itself, a heavy rain could cause the soil to give, and cover whatever lies beneath it: homes, roads, people and businesses. The same holds for the parking lot, to be built on fill, which liquifies in an earthquake or a deluge of rain. If the entire lot being wiped out isn't bad enough, but whatever it lands on will also be destroyed.

In addition, the hill on which the lab is to be built is so steep that terracing is required. Terracing actually increases the chances of the land above the building to slide, posing great danger to the facility. It is irresponsible and incompetent of the planners to attempt to defy the laws of nature.

It is not only for the sake of the environment that I oppose the project. It is also for the sake of residents will have to deal with the consequences.

People don't want their valley filled. They do not want the threat of landslides. They do not want their hills to be covered with any more structures of any sort. We go there to walk in our parks and enjoy the only (very) natural areas we have.

Kristen Van Ham

July 17, 2003

Mr. Jeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road
Berkeley, California 94720

Re: General Comments on the Notice of Preparation, Draft Focused, Tiered Environmental Impact Report regarding the Construction and Operation of Building 49 and G-4 Parking Lot

Dear Coordinator. Philliber,

While disturbing the hillside by evacuation of 26,000 cubic yards of soil in the construction of Building 49 is presumed to not impact nearby buildings, homes and creeks downhill to the west, there is much that we still do not know about land formation groundwater migration, geologic springs and thousands of years-old creeks. **The accumulative effects** of these factors when and if a significant earthquake induced landslide occurs on built land located on steep slopes very close to several currently active earthquake faults and splays demands careful evaluation as a whole, instead of the segmented approach that land developers favor.

Despite the best state of the art engineering designs, all of the buildings and roads of the Lawrence Berkeley Laboratory located in the steep Berkeley Oakland Hills are built on vulnerable land formations—vulnerable for under the surface waters and earthquake fault movements. Additionally, there is still much we don't know about the release of hazardous materials stored at the Lab into the environment should a strong earthquake event effect the hillsides. Add to this reasonably foreseeable scenarios of, landslide potentials with groundwater and geologic water surging to near the land surface causing land and mud slides, breaking buildings, roads and utility lines.

One simple example, Building 70A is reputed be contain "the pit". We are told this building stores radioactive elements-materials used in research. It might be a reasonably foreseeable impact, that should a severe earthquake impact to such a degree and break that building and the lining of the pit, materials could migrate in the groundwater into the present Cafeteria Creek, destroying life. (Please see attached photos of the flowing Cafeteria Creek and its riparian hillside.) Should the creek arroyo be filled, hazardous material may migrate into the storm drainage system down into the main campus and the City of Berkeley.

1. We request that the evacuation of a huge chunk of the hillside be evaluated as a cumulatively considerable environmental detriment when viewed in connection with past projects and potential future hazards for the overall theoretical framework of the land use development plan— rather than a segmented and fragmented plan.

2. This project of Building 49 could add an incremental effect that combined with the effects of the landslides of 1974 to the east up hill in the Lawrence Hall of Sciences area of the same watershed, with other historic land slides of the same watershed, could potentially result for the Lawrence Hall sliding down the hill, which in turn would impact on homes, buildings, and roads in the Blackberry Canyon Watershed.

Topography

3. The topography of the Blackberry Canyon Watershed is almost totally fault-controlled with some man-built impacts. The creeks were created when fracturing along the Hayward Fault thrust a huge mass of Plio-Pliostocene sedimentary complex upward to create the westward sloping Berkeley Oakland Hills, beginning as recently as a million years ago. Just east of the Hayward Fault severe erosion of soils has created steep slopes. Thus, in the upper hill areas of the Blackberry Canyon Watershed (which is technically part of the Strawberry Creek Watershed), the geologic faulting and erosion of soils and geology have always been prone to landslides. One can see ongoing deep erosion scaring in these steep slopes.

Background on Dry Weather Landslides in Berkeley

Recall that hillside slide of 1974 was in the summer dry season. A large slide had occurred inside the Lawrence Berkeley Lab. It broke a building in two, (Building 46), took out a road and underground utilities, and threatened to undermine the Lawrence Hall of Science (LHS). The other slide threatened the steep part of Centennial Drive, just below LHS. The UC Campus engineer analysis showed the unstable soil on the hillside was lubricated by underground water and another engineer, Lennert discovered the Lennert Aquifer that has caused sub-soil erosion, lateral spread, subsidence and soil collapse.

Background on Wet Weather Landslides in Berkeley

Landslides in Berkeley, particularly the Berkeley Hills, are well known to residents of the area. The landslides occur for four main reasons: soils, steep slopes, rainfall and sub-surface erosion. The soils in the Berkeley Hills are high in clay content. Clay affects the soil in that it has great water-holding ability and can increase the volume of the soil by 20 percent. The drainage rate in this kind of soil is very slow. These features cause a loss of shear strength and promote great slope instability. Slope is the most important site characteristic associated with the occurrence of soil slips, which are landslides involving only the material above the unweathered bedrock surface. Soils that are typically shallow and rocky are extremely prone to slippage. Slopes, which have high water content, or slopes, which have been, cut into for roadways or building foundations influence landslide occurrences.

Most serious landslides occur during or immediately after storm periods in which more than seven inches of rain fall. The North Berkeley Hills are high in clay content and have steep slopes. Intense storms in February 1940, October 1962, and January 1982 had record-breaking precipitation of up to 6.97 inches in one day. Much damage was caused to the University and to residential areas as a result of the sliding from these storms.

In the storm of February 1940 more than 35 slides occurred, many of them seriously threatening homes. Houses were evacuated in many areas of North Berkeley. The storm which came in October 1962 caused much damage in the hill area and necessitated the closure of North Canyon Road from the Memorial Stadium to the Radiation Laboratory because of 600 foot long mud slides close to the gates of the Lab. This slide washed onto Gayley Road covering it with up to a foot of silt. Mud and water flowed into Cowell Hospital, International House, and the Poultry Husbandry Laboratory. Strawberry Center recreational area was surrounded by three feet of mud.

In January 1982 another intense storm caused enormous damage. Grizzly Peak Boulevard was partly blocked by landslides and Centennial Drive was closed from Strawberry Canyon pool to the Lawrence Hall of Science. The shoulder level of Centennial Drive dropped several feet making it necessary to reconstruct and reposition the road. Centennial Drive was closed for eight months. Above, we have cited only a few of the most dramatic slides from newspaper sources; much more detailed factual landslide data is available in University files.

Hydrology

4. The proposed Building 49 is located in the Blackberry Canyon Watershed named for the mis-named Blackberry Creek. The creek that drains this topography is the North Fork of Strawberry Creek. (Blackberry Creek is another creek and names a watershed in Berkeley at the Albany line.) West of the Lawrence Lab, in the City of Berkeley, one can view the flowing North Fork of Strawberry Creek in a deep wild canyon when walking Highland Path at the end of the road of Highland Place.

5. Any evacuation of 26,000 cubic yards of an extremely STEEP hillside slope will substantially alter the existing drainage pattern of not only the specific construction site and a little space around; it potentially will effect the entire Blackberry Canyon Watershed environment and those of us living and working downstream in the Strawberry Creek Watershed all the way to the San Francisco Bay.

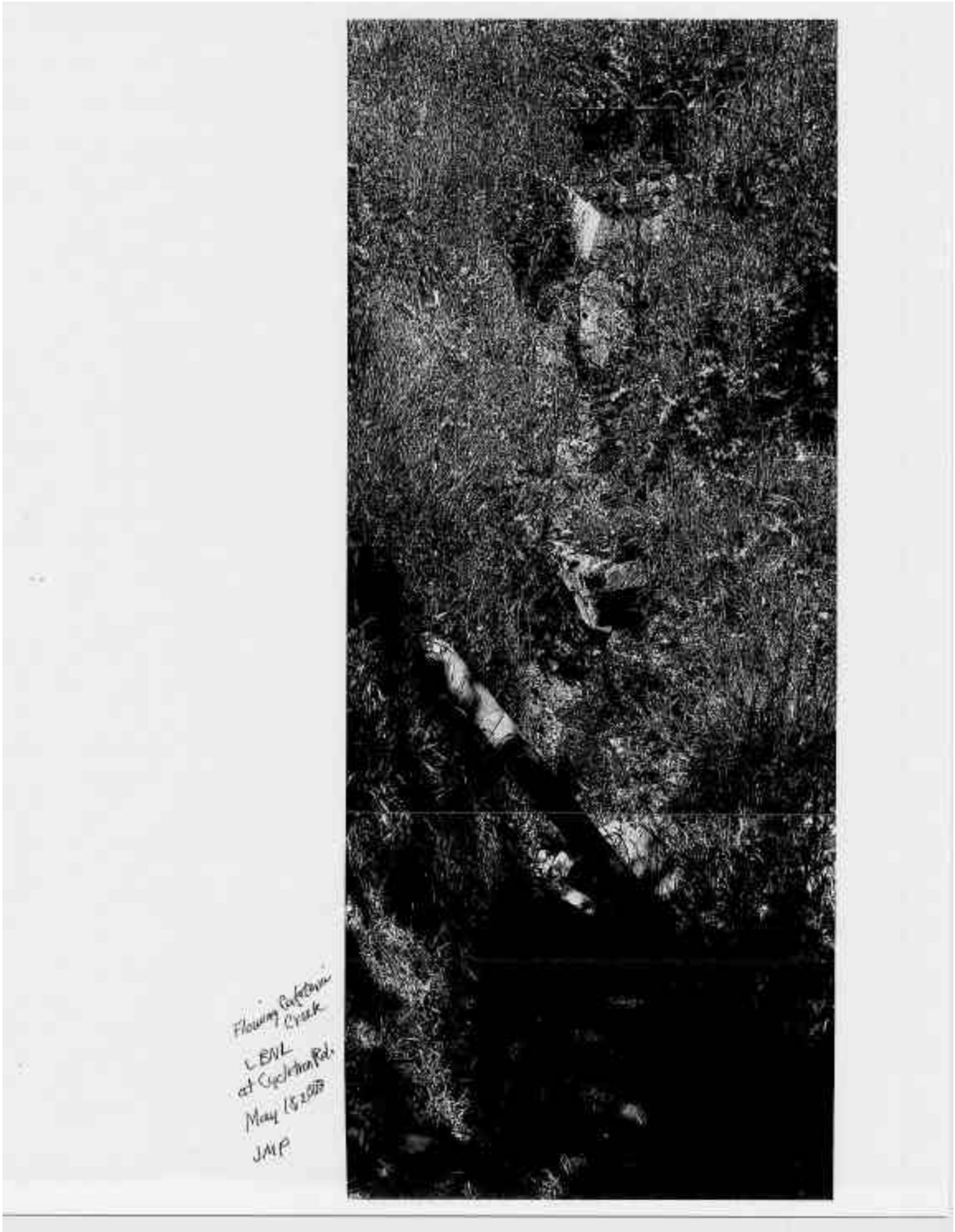
6. Given the lack of recent studies on the Blackberry Canyon Watershed geohydrology, it is reasonable to evaluate the deep hydrology of the Blackberry Canyon Watershed. Note there is one study by Converse Associates (1984). It would be prudent to place this study in the UC Library and the Cities of Berkeley and Oakland Public Libraries as it is presently unavailable to researchers and public citizens; it does not appear in library indices or is referenced in academic reports.

To conclude, it is our hope that you will embrace a 'good neighborly planning' perspective and work with us for a healthy, clean, and less dangerous environment. Again, we request that the plan of evacuation of a huge chunk of the hillside be evaluated as **a cumulatively considerable environmental detriment** when viewed in connection with past projects and potential future hazards for the overall theoretical framework of the Land Use Development Plan. This is instead of the current fashion in planning with a segmented and fragmented plan that is not inclusive of the community memory. Perhaps, alternate sites suggested by community folks and Lab workers with lesser vulnerability could be considered and that take into account the consensus in the neighboring community to preserve and protect our land, creeks and riparian resources from disaster—both of nature and manmade.

Very truly yours,

Jennifer Mary Pearson
Neighbors of Schoolhouse / Lincoln Creek Watershed
jennifermaryphd@hotmail.com

Attachments: 2 photos


Flowing Eastward Creek
LBNL
at Cyclotron Rd.
May 15 2003
JMP

ECOCITY
BUILDERS

1678 Shattuck Avenue #66
Berkeley, CA 9470
ecocity@igc.org
510.649.1817

Jeff Phillibe
Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road
Berkeley, CA 94720

July 18, 2003

Dear Mr. Phillibe:

Ecocity Builders strongly objects to LBNL plans to construct and operate Building 49 and the G-4 Parking Lot. We are especially opposed to the construction of the G-4 Parking Lot which involves filling in Cafeteria Creek, a tributary of Strawberry Creek, with soil excavated during the construction of Building 49.

Currently, Ecocity Builders (ECB) is collaborating with the University of California (UC) and the City of Berkeley (COB) on a proposal to the CALFED Watershed Program for a grant to develop a comprehensive plan for Strawberry Creek which will involve all the constituents of the watershed from the headwaters to the San Francisco Bay. The grant proposal also requests support for the following projects as they relate to the Strawberry Creek:

- Upper reaches culvert and debris rack repair (UC)
- Water quality assessments and analysis (UC and COB)
- Detailed design and cost analysis for daylighting in downtown (ECB)
- Voluntary transfer development rights pilot program for creek restoration (ECB and COB)
- Culvert assessment (COB)
- Tidal channel assessment for the mouth of Strawberry Creek (ECB)

We strongly urge LBNL to rethink and revise its plans for Building 49 and the G-4 Parking Lot. We also invite you join with the University of California, the City of Berkeley and Ecocity Builders in developing the CALFED program for this historically significant and environmentally essential watershed.

I look forward to talking with you further on how LBNL can participate.

Sincerely,

Mark Baldridge

Mark Baldridge
Member, Board of Directors, Ecocity Builders
510.526.9105, bridgeme@cmf.net

Copy:
Charles V. Shank, Director, Lawrence Berkeley National Laboratory

Keith Lichten and Tina Low, San Francisco Regional Water Quality Control Board
Ed Wylie and Calvin Fong, U.S. Army Corps of Engineers, San Francisco District - Regulatory Branch
Honorable Loni Hancock CA State Assemblymember, District 14
Mayor Tom Bates, City of Berkeley
Berkeley City Council Members: Linda Maio, Margaret Breland, Maudelle Shirek, Dona Spring, Miriam Hawley, Betty Olds, Kriss Worthington, Gordon Wozniak

Subject: Lawrence Berkeley Lab Proposal to Bury Creek - DON"T DO IT
Date: Thu, 17 Jul 2003 17:00:40 -0700
From: Diane.Tokugawa@kp.org
To: jgphilliber@lbl.gov, cvshank@lbl.gov, tpowell@lbl.gov
CC: khl@rb2.swrcb.ca.gov, tjl@crb2.swrcb.ca.gov, ewylie@spd.usace.army.unit.mil, cfong@spd.usace.army.unit.mil, assemblymember.hancock@assembly.ca.gov, mayor@ci.berkeley.ca.us, maio@ci.berkeley.ca.us, breland@ci.berkeley.ca.us, shirek@ci.berkeley.ca.us, spring@ci.berkeley.ca.us, mhawley@ci.berkeley.ca.us, olds@ci.berkeley.ca.us, worthington@ci.berkeley.ca.us, gwozniak@ci.berkeley.ca.us, clerk@ci.berkeley.ca.us, jlamont@creekcats.com

Dear Sirs,

I have read about Lawrence Berkeley Lab's intent to fill a valley with dirt, bury a creek and build a parking lot over it (Building 49 and 64 parking). Such a project is ecologically unconscionable in today's day and age. If we were living in the 1950's, I'd expect that project would be business as usual. We buried everything then and built everywhere with impunity. All of us pay the environmental price tag now. It is much more difficult and expensive to restore the land. It is cheap and easy to destroy it. There is an existing riparian habitat with Coast Live Oaks, and wildlife corridor. It is irresponsible to proceed further without full and open discussion of alternative sites, and alternative plans for construction as well as complete review of the environmental impact on this area.

This proposed project violates the City of Berkeley's Creek Ordinance which I am told you do not need to adhere to. I don't understand why the government can not be held to the same standards as anyone else. Even so, I hope that the LBL community would share the same values as I and many creek advocates, to preserve natural space and habitat.

I strongly urge you to reconsider this project as it is currently proposed. Please choose an alternative design to minimize impact on the environment. And please 'Don't pave paradise and put up a parking lot'.

Sincerely,

Diane A. Tokugawa
1256 Spruce St.
Berkeley, CA 94709

Subject: Proposed Building 49 and G4 Parking
Date: Thu, 17 Jul 2003 07:35:08 -0700
From: Alan Gould <adgould@comcast.net>
To: JGPhilliber@lbl.gov, CVShank@lbl.gov, TPowell@lbl.gov
CC: khl@rb2.swrcb.ca.gov, tjl@rb2.swrcb.ca.gov, ewylie@spd.usace.army.mil, cfong@spd.usace.army.mil, opinion@berkeleydailyplanet.com, assemblymember.hancock@assembly.ca.gov, mayor@ci.berkeley.ca.us, maio@ci.berkeley.ca.us, breland@ci.berkeley.ca.us, shirek@ci.berkeley.ca.us, spring@ci.berkeley.ca.us, mhawley@ci.berkeley.ca.us, olds@ci.berkeley.ca.us, worthington@ci.berkeley.ca.us, GWozniak@ci.berkeley.ca.us, clerk@ci.berkeley.ca.us

Dear Sirs,
I have read the **Notice of Preparation Draft Focused, Tiered Environmental Impact Report** for proposed Building 49 and G4 Parking at Lawrence Berkeley National Laboratory. I would like to take this opportunity to say that the basic design which calls for completely filling in an existing creek to put in paved parking is highly objectionable for ecological and aesthetic reasons. The statement in the notice that the project would
"require the removal of several trees and other vegetation, including oak trees and some riparian plant species, from the lower elevations of the project site."
is extremely disturbing to me.

Community values are reflected fairly well in the City of Berkeley's Creek Ordinance, in which such a project that covers an open creek with parking lot would be illegal. Even though LBNL does not answer to City of Berkeley per se, I know the same values are shared by many in the University and LBNL communities. Though there may be some people who prefer to live in totally fabricated environments and never see a tree or blade of grass, MOST people prefer to have some natural setting within their community space. We must be VERY careful in planning our buildings that we not fall into a trend of destroying every square inch of natural space around us, ESPECIALLY such ecologically sensitive sites as creeks.

I strongly urge you to propose improvements that will have least impact on our natural environment. And PLEASE don't fill in a creek to make a parking lot!

Sincerely,
Alan Gould
member of Live Oak Codornices Creek Neighborhood Association
and employee at Lawrence Hall of Science
1256 Spruce St., Berkeley, CA
848-4465 (h) 643-5082 (w)

GENE C. BERNARDI
9 Arden Road
Berkeley, CA 94704

July 17, 2003

Jeff Phillibar
Environmental Planning Coördinator
LBNL MS 90K.
One Cyclotron Rd.
Berkeley, CA 94720.

Re: NOP, Draft Focused Tiered EIR re: Construction and Operation of Building 49 and 64 Parking Lot.

Dear Mr. Phillibar,

This is to register my objections to both the Construction of building 49 and the 64 parking Lot. The removal of 26,000 cubic yards of soil to build Bldg. 49 is necessitated by the fact the building site is a steep slope. This site is in a Seismic Hazard Zone and landslide prone area. This is NOT an appropriate or safe area to construct a building. The disturbance of this area could contribute to flooding and landslides that would impact the U.C dormitories, Stern Hall and Foothills. The flood waters and soil would undoubtedly be contaminated because of the many ground water contamination plumes at LBNL. This project, together with making a parking lot on top of Cafeteria Creek is so preposterous that I can't help but think it is a distraction from the Molecular Foundry to be built near No-Name Chicken Creek and the Tritium Groundwater Plume, without an EIR!

Gene Bernardi

Subject: Bldg 49 & G-4 comments
Date: Fri, 18 Jul 2003 16:30:32 -0700
From: J M Sharp <itsa@dnai.com>
To: JGPhilliber@lbl.gov

Hardcopy is in the mail.

D Thompson/J sharp • 2663 Le Conte Avenue Berkeley CA 94709 • 510/644-9344

18 July 2003

Mr Jeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road
Berkeley CA 94720

Re: NOP/IS for the Building 49 and G-4 Parking Lot Focused Tiered EIR

Dear Mr Philliber:

Within the last seven months--and with shock and awe--we've watched how the Lab rapidly secured UC Regents' approval for a six-story nanotechnology facility (aka "Molecular Foundry") in Strawberry Canyon with an absolute minimum of environmental disclosure and public scrutiny.

Now it's like déjà vu all over again. At least this time we've had a Notice of Preparation and Initial Study (NOP/IS) to study and a Public Scoping Meeting (30 June) and Site Tour (7 July) to attend.

Yet we still can't believe that LBNL's project stewards are truly serious about transforming this latest pair of mega-proposals into reality. After all, the Lab still describes itself as a "world-class institution", doesn't it?

We have no reason to doubt the assertion that many of the Lab's 4200 employees are cramped for space. Nor do we doubt that many are frustrated by the lack of parking near their job sites. But are these inconveniences sufficient to justify excavating 26,000 cubic yards of material from a steep slope to build an office tower (Building 49) and to dump the residuals into a nearby Strawberry Creek tributary to create a 95+-space (G-4) parking lot?

To us, the underlying rationale for Building 49--that the Lab fails to meet federal space allocation requirements--appears bogus. Does LBNL face any penalties if Lab space

doesn't match up with the figures recommended by the General Services Administration? How much would the Lab's existing space/employee figures be altered by transferring 240 existing employees into the proposed Building 49? How many more such buildings would be required to meet GSA specifications under current conditions?

The NOP/IS promises that the EIR will examine alternative on-site or off-site locations for this "decompression" office space. If only that were so. In our experience with UC-sponsored CEQA exercises, the alternative "straw men" are routinely flattened by the "preferred alternative"--the one selected before a Notice of Preparation and Initial Study are ever drafted.

Moreover, we wonder how far the Lab's preferred alternative would fly without the "unique" risk-bearing contribution of the consortium of private companies who plan to finance, design, construct, own, and manage Building 49.

As unconscionable as we find the proposal to transform a riparian corridor into a parking lot, we are equally appalled by the precedent emerging here. Will public university land increasingly become the domain of private developers via clever lease-back arrangements?

Above all, we are struck by the incredible waste of human resources that this whole process represents. Grown (and presumably well-paid) men and women in 21st-Century Berkeley are spending inordinate amounts of their time and energy to advance a pair of projects which are at odds with clear thinking and good watershed management.

It is as if the University is determined to return to the bad old days of the last century when Memorial Stadium blasted its way into the mouth of Strawberry Canyon. Have the intervening 80 years taught UC nothing about the importance of site stewardship?

Our hope is that public reaction to this NOP/IS stimulates sufficient introspection within UC and LBNL that an EIR won't be necessary and that the projects as proposed will be withdrawn quietly.

It's not impossible. After all, we recall that the NOP/IS for an EIR on LBNL's Long Range Development Plan (2002) was issued in October 2000. Over 1000 days later, we have yet to see a follow-on document.

Sincerely,

Daniella Thompson James M Sharp

Comments on NOP

Subject: Comments on NOP
Date: Fri, 18 Jul 2003 17:00:17 -0700
From: "Andy Katz" <andykatz@uclink.berkeley.edu>
To: <JGPhilliber@lbl.gov>
CC: <worthington@ci.berkeley.ca.us>, <mayor@ci.berkeley.ca.us>, "JLamont" <jlamont@creekcats.com>, <pnprice@lbl.gov>, <spbloom@earthlink.net>

The following are my comments on LBNL's NOP for the Building 49 and G-4 Parking Lot, sent via e-mail and USPS. I am opposed to this project, and submit the following comments on the adequacy of an EIR if conducted along the description of the NOP.

The project and Significant Impacts

On page 20 of the NOP, LBL expects to work out mitigations with the various agencies, but Burying the creek is likely to create a significant impact that will be difficult or impossible to mitigate. Sections discussing how the project would alter the creek (p.26) downplay dismiss the project as "not expected to be significant." However, on p27 the project is referred to as a "potentially significant impact" until mitigations with the agencies are found. Although all of these points will be analyzed in the EIR, the situation should be consistently approached as potentially significant impacts throughout the analysis.

Endangered Species and Fish and Game Determination

The Alameda whipsnake and oaks are discussed on page 36, but #18, the Fish and Game Determination, states that there is no evidence for a potential impact on wildlife. Since the creek is connected to Tilden Park, and the areas involved are potential habitat, it is an inadequacy to scope that out. There is a potential for change that would adversely affect wildlife resorces, and #18 should be checked as "Yes."

Local Cool Zone

Local observers, including Juliet Lamont, have also noticed a local cool zone that would impact the environment if the creek was removed. The EIR should review this cool zone as a part of biological resources and hydrology.

Thank you for your consideration.

Andy Katz
2519 Parker #304
Berkeley, CA 94704
510-540-5921

1 of 1 7/21/2003 7:18 AM

D THOMPSON/J SHARP • 2663 LE CONTE AVENUE BERKELEY CA 94709 • 510/644-9344

18 July 2003

page 1 of 2

Mr Jeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road
Berkeley CA 94720

Re: NOP/IS for the Building 49 and G-4 Parking Lot Focused Tiered EIR

Dear Mr Philliber:

Within the last seven months—and with shock and awe—we've watched how the Lab rapidly secured UC Regents' approval for a six-story nanotechnology facility (aka "Molecular Foundry") in Strawberry Canyon with an absolute minimum of environmental disclosure and public scrutiny.

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Building 49 and G-4 NOP/IS comments, 18 July 2003 **page 2 of 2**

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Sincerely,

Daniella Thompson

James M Sharp

MEMORANDUM

Date: 7-18-03

To: LBNL

From: BerkeleyCouncilmember Dona Spring

Subject: LBNL Scoping for proposed Bldg. 49

C/oJeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road
Berkeley CA 94720
E-MAIL: JGPhilliber@lbl.gov

I want to express my strong opposition to the LBNL proposal to land fill in Cafeteria Creek in a small valley/corridor that will destroy the ecological integrety of the North Branch area of the Strawberry Creek to create a parking lot. The infill of this creek could be detrimental to the watershed capacity of Strawberry Canyon and create conditions for flooding, soil destabilization and mudslides in an area close to a major earthquake fault. This Canyon is also a high fire hazard area and recently the City of Berkeley had to respond to an acre and a half wildfire in the area.

Other Issues to be aware of:

1. Excavation of a hillside will make the environment more prone to mud slides, floods and seismic instability.

2. Loss of habitat for protected and endangered species like the California whip snake.

3. Fire danger and lack of egress from site

4. Types of research hazardous and military

5. How is this project being funded? Who are the funding sources?

6. What animlas or organisme will be use in research?

.

Letters with comments:

Dear Colleagues,
Below is a copy of a letter regarding the Rad Lab and LBNL's newest plan to build on the shaky landslide prone ground an office building and to use the soil to fill in Cafeteria Creek in a small valley that will destroy the ecological integrety of the North Branch area of the Strawberry Creek Sib-Watershed. It is planned that a developer do the disturbances and construction, instead of LBNL. If you have ever seen this creek you will realize it is like most creeks in this climate zone, technically called a "Mediterranean strto a few inches depth as a racoon does. Still, you can see the tree line of its course and often find the beautiful deer grazing the luscious leaves along its banks. And too, if you are a bird watcher, you can observe many species of migratory birds in those trees eating grubs etc..Cafeteria Creek likely receives its water from the Lennert Aquifer under Grizzly Peak. Most of the maps on geology, soils and hydrology the Lab cites in land use planning documents are 25 years old--from the days the Lab was the Rad Lab and everything possible was classified "top secret" and out of the public realm. Now, since the Clinton government with O'Leary opening up the Lab to public access and scrutiny, it is now time to request information on the geography, hydrology, geology, the 4 active earthquake faults, groundwater resources and waste disposal.
The aquifer might well serve as a "fresh water bank" for the citizens of Berkeley--especially in the event of a severe earthquake which likely would

rupture EBMUD's aquaducts. However, we don't yet know of studies of the aquifer and we don't know if that pure geologic water is now contaminated from the dirty plumes over the aquifer that the Lab still hasn't cleaned up, presuming that they are "contained"--at least on the surface.

We must insist on a good understanding of the ancient creeks and watersheds rather than destroy what Nature has provided by imposing an engineering model building plan that in a few years will be deemed obsolete and need a retrofit as has been the case for most public buildings. Many engineers agree it is far better to integrate and build with nature's design of the land--especially in hi risk earthquake zones. We know about the earthquake induced soil liquefaction potential of creek watercourses and the landslide potential of the shaky ground of the Strawberry Creek Upper Watershed per the State Department of Conservation's Seismic Hazards Mapping Project that anticipates the "big earthquake within the next 30 years. (April 2003). (You can see those new maps at the main Public Library or the City Planning Permits Office).

The University uses a Watershed Management Plan for the Main Campus up to the Stadium and a little beyond but surprisingly, despite having a world famous seismic study center, still does not include any discussion of the seismic landslide and soil liquefaction potential of the land leased to the Department of Energy for the Lab! Please review the letter below and write something.

Jennifer

This from Phil Price & Juliet Lamont.

Date: Wed, 2 Jul 2003 15:10:49 -0700
From: JLamont <jlamont@creekcats.com

Subject: STOP LBL/UCB PROPOSAL TO BURY CREEK, OAKS, AND WILDLIFE CORRIDOR!

The letter below is from my husband, Dr. Phil Price. LBNL (and UCB) is
proposing to fill in a creek and small valley as part of a terrible,
anti-environmental building proposal. Please read this,write in opposition
letters, put pressure on LBL any way you can, and spread the word! If we're
going to allow this in Berkeley, it can happen anywhere.
- Juliet Lamont

Dear Friends of Creeks and the Environment,

Lawrence Berkeley National Laboratory (LBNL), in conjunction with UC
Berkeley, has just begun the EIR process for a project that -if built as
planned - WILL COMPLETELY BURY A SMALL CREEK AND FILL
MOST OF ITS VALLEY, in order to build a parking lot. In fact, although LBNL
does want the parking lot, that's not the main motivation: really, they just
need a place to dump over 2000 truckloads of dirt (that's not a typo) that
will be generated by excavating for a new building, and disposing of it
on-site will save them a lot of money and a lot of hassle. Where can you
dump 2000 truckloads of dirt? In a valley. It doesn't seem to bother them

that the valley is a thriving creek corridor that includes several coast live oaks, supports lots of bird life, and is threaded with paths made by the Lab's black-tailed deer. Moreover, it provides wildlife corridor linkage
to Tilden Park open space areas. In short, the project will:

* completely bury roughly 300 (or more) linear feet of open creek;
* result in the removal of numerous coast live oaks and other important riparian vegetation;

* actually fill in (i.e. bury) a riparian corridor with 2000 truckloads' worth of of dirt;

* cut away an extremely steep slope for building construction - an inappropriate building site - thus generating the dirt fill in the first place;

* construct a new parking lot, thereby actively promoting more vehicle use,
traffic, and air pollution

I'm very familiar with this particular creek, having noticed it many times on my daily ride home from the Lab, where I've worked for the past ten years. When the weather conditions are right, I can feel a steady flow of cool air pouring down the valley, creating a local cool zone that is very noticeable as I pass through it.

Because the valley opens onto the road right at a hairpin curve that holds
drivers' attention, most employees have probably never noticed this steep-sided valley and its seasonal creek...but I have, and I
don't want to see it destroyed. In fact, I'll quit rather than be a part of an organization that will fill in a creek. I love my job and colleagues, but
LBNL cannot be allowed to act so irresponsibly.

Please help to stop this horrendous proposal.

I've taken a few photos of the site, which you can see at
thttp://homepage.mac.com/pnprice/PhotoAlbum11.html
Please do take a look at the photos: as you'll see this is a beautiful and ecologically valuable creek valley - and, contrary top LBL's statements, it is very well vegetated (by the way, the creek is called "Cafeteria Creek" on the Lab's maps, and although it's dry for a few months in summer and fall, it has running water for much of the year).

Much more information on the project is available at the Lab's web site,
http://www.lbl.gov/Community/env-rev-docs.html
where you want the 6-16-03 "notice of preparation" -- most of the other documents there are for another project (NOTE that this project is NOT the nano-technology foundry building - this is yet another building proposal!).

To add to the problems, the building site itself is an extremely poor choice: it contains a grove of Coast Live Oaks, and is extremely steep -- that's why so many truckloads of dirt need to be excavated. If you're unhappy with the Lab's plans for the building in addition to the plans for the parking lot, I encourage you to write about that, too. If LBNL committed to cleaning up and re-using sites currently available for building (i.e. not new open space), this project would be totally unnecessary!

At this point, the Lab is "scoping" the Environmental Impact Report...that is, they're figuring out what should be included. It's vital that they consider reasonable alternative sites; much of the problem is that their proposed building site is on a very steep slope requiring extensive

excavation; there are much better building sites at the Lab.

It's also important to immediately show the Lab that they are going to face substantial opposition to this ridiculously anti-environmental proposal, so that they consider alternatives before becoming totally committed to it.

So, please help convince your organization, and all the citizens you know, to take a stand against this proposal. Please have your organization, or you as an individual, write letters to the Lab, to the Regional Water Quality Control Board, and to the Army Corps of Engineers, stating your unequivocal opposition to filling in a creek corridor, for a parking lot or for any other reason. Write to the media and your local politicians as well (Assemblymember Loni Hancock's address is listed below)!

And please, please pass this message on to as many colleagues and organizations you know - letters to newspapers and the media as well! - who also believe in protecting our environment. We need to act NOW, and to SPEAK OUT, to stop this terrible proposal.

Please write to as many of the contacts below as you can. Hard copy letters are the best, but you can also e-mail (and "cc" everyone below), if that's all you have time for. But please do write in, and spread the word!

Sincerely,

Dr. Phillip N. Price

-----Original Message-----
From: J M Sharp [mailto:itsa@dnai.com]
Sent: Thursday, June 26, 2003 5:37 PM
To: itsa@dnai.com
Subject: LBNL's double whammy

Greetings.

If you're looking for some local excitement next **Monday evening, June 30**, this message is for you (see below).

The ink is barely dry on the UC Regents' certification of the Mitigated Negative Declaration for Lawrence Berkeley National Laboratory's 90k+ gross square foot Molecular Foundry (ie, nanotechnology) project in Strawberry Canyon.

Now, LBNL has announced another six-story project (this one only 65k gsf) called **Building 49.** It will be just up the hill from upper Hearst Avenue. The purpose of the proposed research building is to "decompress" overcrowded office space for up to 240 Lab employees.

Oddly, neither the Department of Energy, the Lab, nor UC will own Building 49. Instead, a developer will lease it back to UC and the Lab when it is completed.

The project will require the excavation of some 26k cubic yards of soil, which LBNL wants to re-use as the underpinning for a new 90-120-stall parking lot--to be called the **G-4 Parking Lot**--on the hill south of the existing Building 50 and 70 complexes. This site is part of the watershed area for the North Fork of Strawberry Creek.

Apparently because of the environmental sensitivity of this double project, LBNL plans to do a focused Environmental Impact Report (EIR) which will be "tiered off" of the Lab's 1987 Long Range Development Plan.

Permit approvals will be required from the US Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Regional Water Quality Control Board.

Dear Mayor and Members of the City Council,

This e-mail includes a great description of the latest proposed project at
LBNL. The degradation of what remains of Strawberry Canyon is proceeding at

break neck speed in advance of a Long Range Development Plan with the
inevitable
result of clogging our city streets with traffic and destroying our watershed.
The community dialogue is become broader and deeper. Please be a part of
it.

Thanks.

Janice Thomas
President, Panoramic Hill Association

Area Firefighters Swiftly Extinguish Grass Fire Near UC Laboratory
Megan Greenwell, Berkeley Daily Planet, Page 3, 7/1/2003

A grass fire Saturday consumed an acre and a half off centennial Drive, near the Lawrence Berkeley National Laboratory (LBNL) and the Lawrence Hall of Science, before being extinguished by Berkeley, Oakland and East Bay Regional Parks firefighters.

The blaze, which was reported to the Berkeley Fire Department at 7:41 P.M., began spreading up the hill from the north side of Centennial Drive toward LBNL. Firefighters responding to the scene contained the fire by 8:08 p.m.

"It produced a nice column of smoke and scared everybody, but we took care of the

problem pretty quickly," said Berkeley Fire Department deputy chief David Orth.

Because the Strawberry Canyon area, which includes Centennial Drive, runs along the Berkeley-Oakland border, the location is a full-response area, which meant that companies from both cities and the parks department responded to the call. The Berkeley Fire Department sent three engines and a ladder truck, along with 15 firefighters, to fight the blaze.

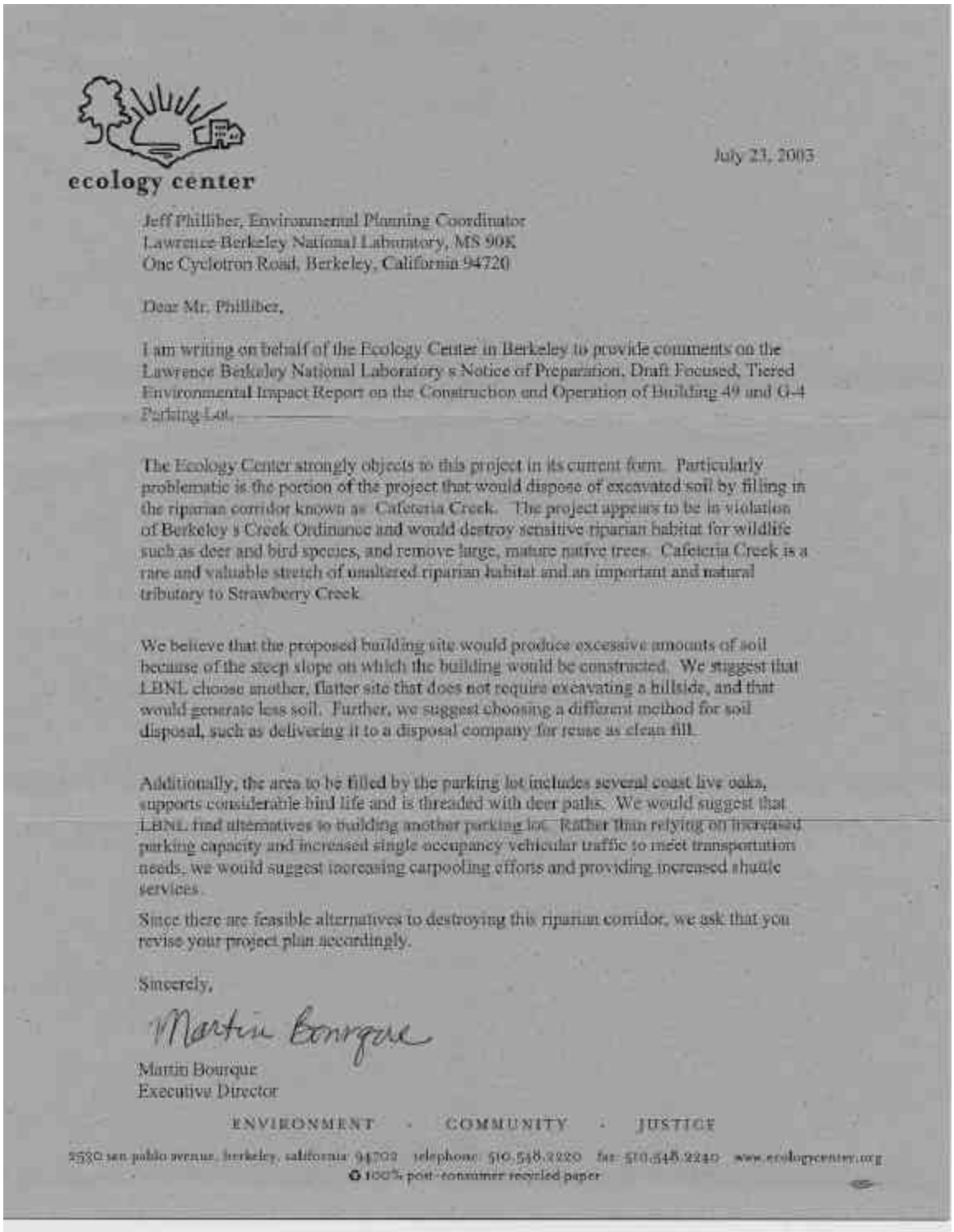
A team from the California Department of Forestry also responded, but did not join the fight because the others had contained the fire so quickly. Orth said none of the area structures, including LBNL and the Lawrence Hall of Science, were threatened by the fire.

The cause of the fire was unknown and under investigation as of Monday. Because much of the area is University of California land, the investigation will be directed by the state fire marshal.

"For the moment it is being treated as a crime scene," Orth said.

California State Fire Department personnel said the results of them investigation would be made public later this week.

A second smaller fire was reported about a half-mile north of the Centennial Drive blaze around the same time. It had been extinguished by citizens by the time firefighters arrived at the scene.



ecology center

July 23, 2003

Jeff Philliber, Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road, Berkeley, California 94720

Dear Mr. Philliber,

I am writing on behalf of the Ecology Center in Berkeley to provide comments on the Lawrence Berkeley National Laboratory s Notice of Preparation, Draft Focused, Tiered Environmental Impact Report on the Construction and Operation of Building 49 and G-4 Parking Lot.

The Ecology Center strongly objects to this project in its current form. Particularly problematic is the portion of the project that would dispose of excavated soil by filling in the riparian corridor known as Cafeteria Creek. The project appears to be in violation of Berkeley s Creek Ordinance and would destroy sensitive riparian habitat for wildlife such as deer and bird species, and remove large, mature native trees. Cafeteria Creek is a rare and valuable stretch of unaltered riparian habitat and an important and natural tributary to Strawberry Creek.

We believe that the proposed building site would produce excessive amounts of soil because of the steep slope on which the building would be constructed. We suggest that LBNL choose another, flatter site that does not require excavating a hillside, and that would generate less soil. Further, we suggest choosing a different method for soil disposal, such as delivering it to a disposal company for reuse as clean fill.

Additionally, the area to be filled by the parking lot includes several coast live oaks, supports considerable bird life and is threaded with deer paths. We would suggest that LBNL find alternatives to building another parking lot. Rather than relying on increased parking capacity and increased single occupancy vehicular traffic to meet transportation needs, we would suggest increasing carpooling efforts and providing increased shuttle services.

Since there are feasible alternatives to destroying this riparian corridor, we ask that you revise your project plan accordingly.

Sincerely,

Martin Bourque

Martin Bourque
Executive Director

ENVIRONMENT · COMMUNITY · JUSTICE

2530 san pablo avenue, berkeley, california 94702 telephone: 510.548.2220 fax: 510.548.2240 www.ecologycenter.org
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